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THE

THE
PARLIAMENTARY DEBATES

AUTHORISED EDITION.

FOURTH SERIES:

COMMENCING WITH THE SECOND SESSION OF THE TWENTY-FIFTH PARLIAMENT

OF THE

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

57 VICTORIÆ.

VOLUME XIII.

COMPRISING THE PERIOD FROM
THE SECOND DAY OF JUNE
TO
THE TWENTY-THIRD DAY OF JUNE,
1893.

DEYRE AND SPOTTISWOODE,

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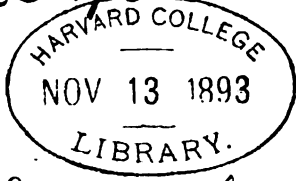
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THE PARLIAMENTARY DEBATES

(Authorised Edition)

IN THE
SECOND SESSION OF THE TWENTY-FIFTH PARLIAMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND
APPOINTED TO MEET 4 AUGUST 1892, IN THE FIFTY-SIXTH YEAR OF
THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SIXTH VOLUME OF SESSION 1893.

HOUSE OF LORDS,

Friday, 2nd June 1893.

Several Lords—Took the Oath.

STORM WARNINGS.

QUESTION. OBSERVATIONS.

*THE EARL OF STRAFFORD asked whether it could be arranged that the storm warnings issued by the Meteorological Office might be transmitted free of charge to all the lifeboat stations on the British and Irish coasts; and whether, during the hay and wheat harvest season, daily forecasts of the weather might be transmitted, also free of charge, to all postal telegraph stations in the Kingdom? He said, the work done and information supplied by the Meteorological Department of late years had been so valuable in saving property and human life that he hoped the Treasury would permit that useful work to be ex-

tended at the necessary additional, but comparatively slight, expense it would entail. Of the 305 lifeboat stations in the United Kingdom, 188 were provided during the winter months with that information, the remainder being unsupplied on account of present difficulties in communication. The additional expense of providing all the lifeboat stations with the necessary information would be under £1,000, a very trifling increase upon the £15,300 total expenditure of the Department per annum for furnishing what was so useful and so much needed. With regard to supplying daily weather forecasts to all postal telegraph stations during the hay and wheat seasons, no doubt their Lordships were aware that during the past year that had been done in the case of 10 stations in the United Kingdom—five in England, three in Scotland, and two in Ireland. Those forecasts were wonderfully accurate, the percentage of success being 88, between the highest, 96 in the North Western Districts of England, and the lowest, 78 in the Eastern parts of Scotland.

Their Lordships would wish the comfort and well-being of the seafaring and agricultural populations of the United Kingdom to be cared for, and he hoped that they would receive an assurance from the noble Lord representing the Treasury that during the coming winter the remaining lifeboat stations would be supplied with meteorological information, and that the second part of the question would also be taken into favourable consideration.

LORD KENSINGTON, in replying to the first part of the question as to the lifeboat stations, said, that living himself in a very stormy region, and within 400 yards of, perhaps, as bad a coast as any round the United Kingdom, he was perfectly sensible of the great importance of this matter. The figures given by the noble Lord were correct, only 188 of the stations were at present supplied; but it was hoped that the telegraph lines would be brought up so close to others that they would be furnished with the requisite information. The areas embraced by the 188 stations now supplied were very extensive; but, of course, where the wires did not yet extend the storm warnings could not be sent. So far as the Treasury were concerned, whose function it was to deal with the matter, and who perfectly recognised its importance, he was advised that they were perfectly ready to consider the question.

LORD RIBBLESDALE, in reference to the second part of the question, which concerned the Board of Agriculture, was glad to say that they took a very favourable view of the suggestion that a daily weather forecast should be sent to the rural postal districts during the wheat and hay harvests. He did not think the Post Office would see any difficulty in carrying out the suggestion, and giving it a good trial. As far as the Board of Agriculture was concerned, they were only too anxious to carry out the suggestion. The practical usefulness of these forecasts was recognised, and their popularity had very much increased. It had been suggested that the annoyance which might arise from misleading forecasts would be greater than the advantages arising from successful ones; but the Board did not consider that was the case. Of course, it was a question for the Treasury, and the expense was the only difficulty in the way. The Board

The Earl of Strafford

of Agriculture had approached the Treasury on the question, and hoped soon to have their reply, as they were only too anxious to have this suggestion carried out in the interests of the agricultural community.

MADRAS AND BOMBAY ARMIES BILL. (No. 66.)

THIRD READING.

Order of the Day for the Third Reading, read.

VISCOUNT CROSS: My Lords, it is not my intention to occupy your Lordships' time by talking about this Bill. It is quite right, I think, that it should become law, and soon; but there is one point on which I think the House would like to have some assurance from the Lord President and Secretary of State for India. Under the existing law there is a good deal of detail in the Military Administration which has hitherto been carried out under the orders of the Provincial Commanders-in-Chief. By this Bill the whole of that is transferred to the Commander-in-Chief in India and to the Adjutant General's Office there. I am quite aware that there is a provision enabling the Viceroy and the Commander-in-Chief to get rid of a great deal of this work, and delegate it to the Local Authorities. But my experience of the office in question is that it is not very fond of parting with power when it gets it. It is impossible, I think, that they can at Simla carry out all the details which this Bill would hand over to them; and unless large powers of delegation are exercised by the authorities in India I feel sure they could not possibly get through the work. In those circumstances, I am sure it will be a satisfaction to your Lordships to hear from the noble Earl that he will impress upon the Viceroy the necessity of exercising powers of delegation, which, in my opinion, are so necessary for the purpose of carrying out the objects of this Bill.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of Kimberley): My Lords, I am much obliged to my noble Friend for bringing forward this point, which is, I think, of great importance. It is quite true that under the Army Act there exists, as has

been stated by the noble Viscount, a power of delegation as regards all minor matters. In fact, I may say there is scarcely anything which cannot be delegated to local officers, and I certainly shall draw the attention of the Government of India specially to this point. As far as my own opinion goes, I entirely agree with the noble Viscount that it would be a monstrous thing if all these small matters were to be dealt with at headquarters. I am sure it cannot be the intention of the Government of India that that should be the result of this Bill; but I agree with the noble Viscount that it is a matter which should be brought strongly under their notice, in order that there should be no doubt on their part as to the wish of Her Majesty's Government in the matter.

Bill read 3^a accordingly, and passed, and sent to the Commons.

IRELAND (COUNTY LIMERICK).

[ADJOURNED DEBATE.]

Order of the Day for resuming the Debate arising on a Question put by The Earl Vane (M. Londonderry), read.

Debate resumed accordingly.

*THE MARQUESS OF ZETLAND regretted that he was placed at a disadvantage in not having enjoyed the advantage of hearing a reply from the noble Lord in defence of Her Majesty's Government to the indictment which had been laid against them, but he would not take advantage, under the circumstances, of speeches in the House of Commons in order to anticipate the reply of the noble Lord opposite. During the time of his Viceroyalty he studied with great pleasure and satisfaction the characteristics of the Irish people, and he had never realised that silence was one of their shortcomings. He was, therefore, the more impressed not only with the system of silence upon Irish affairs adopted by Her Majesty's Government, but by the acquiescence of their supporters in that system, not only as regarded the present state of Ireland, but also as regarded the provisions of the Bill for the future government of Ireland. The present condition of some of the counties of Ireland could only be fully realised by those who were immediately connected with the country. His noble

Friend (the Marquess of Londonderry) had enumerated a long catalogue of crimes which had been committed there. Crimes of a serious character had been on the increase since the recent Administration was relieved of the responsibilities of Office. They were all well aware that from 1886 to the first six months of 1892 crime in Ireland had steadily and surely decreased. He took the first six months of 1892, because it stood to reason that, with the excitement that preceded a General Election and a probable change of Ministry, the pulse of the country would be quickened and its temperature might rise, more especially in a country that had gone through so many vicissitudes. As far as Limerick was concerned, he could fully confirm every word that had fallen from the noble Marquess. He had resided on the borders of the County Limerick for several weeks in the Spring of 1892; he had had opportunities of discussing matters with officials and residents in the county; and he could emphasise the conclusion that must be drawn from the Official Reports. In the month of June last year there was not a single agrarian crime committed in that county; neither in that county nor in any other in Ireland did there exist, to his knowledge, any political combination of an illegal character. The crime of boycotting had absolutely ceased to exist throughout the length and breadth of the land. In order to maintain so satisfactory a state of affairs the late Government deemed it necessary, wise, and prudent to retain in use certain clauses of the Repression of Crimes Act—those relating to changes of venue, selection of special juries, and secret inquiry. They had had ample experience of the beneficial effect of these clauses of the Act. Previous experience had shown that it had been absolutely impossible to obtain convictions in certain parts of Ireland without change of venue. As regarded secret inquiry, after it became possible under the clauses, a very large number of unconvicted criminals left the Counties of Clare, Cork, and Kerry simply from the dread of being brought to justice and convicted. He extremely regretted that the present Government arrived at the determination to suspend the operation of these clauses. The present Government succeeded to power in circumstances very different from those in which their predecessors

undertook responsibility for the government of the country. During his Viceroyalty—and he was certain the noble Marquess behind him would support the assertion from his own experience—the chief obstacle in the way of establishing and maintaining law and order was the existence of the Organisations set in motion by the Leaders of the Nationalist Party with a view to making good government in Ireland impossible. It might seem reasonable to suppose that, in existing circumstances, the heads of the Nationalist Party, who had become political allies of the Government of the day, would exert their influence with the more unscrupulous and more insubordinate Members of their Party, and induce them to support their political friends by bringing about a further reduction in crime. The statements of the noble Marquess behind him remained without contradiction, and he believed it was admitted by Her Majesty's Government that moonlighting was largely on the increase. Whether or not it was admitted that this increase of crime was connected with political combinations, it must be recognised that ruffianism and moonlighting were again in the ascendant, that assassins were again in a position to wield that baneful sway over the destinies of the country which they had exercised with such terrible consequences in the past. Under these circumstances, it seemed reasonable to inquire what steps Her Majesty's Government intended to take for the protection of life and property and for the repression of crime?

THE EARL OF CAMPERDOWN said, the noble Marquess opposite had made out a case on facts and figures which was complete enough to require a very careful answer from Her Majesty's Government. So far as the House had information, the only measure which the Government had taken for the protection of life and property was ineffectually to increase the number of the police in certain places; and he wished to ask why they did not revive the effective measures which lay in their power—secret inquiry, change of venue, and special juries? The only answer which the Chief Secretary had given was that to revive those measures was useless, because hitherto they had been ineffectual, but that answer did not appear to be correct. A Return just laid before the

House of Commons only yesterday showed that, while no convictions followed three secret inquiries which had taken place in the County of Clare, convictions had followed in all the seven cases which had occurred in the County of Kerry and in the single case of inquiry in Limerick. There was, therefore, very good direct results, irrespective of the indirect results, among those addicted to crime. As to the change of venue and special juries, the Chief Secretary appeared to regard them as ineffectual, but would the noble Earl who had been Viceroy (Earl Spencer) express the same opinion? These three powers were introduced into the Act of 1882, which the noble Earl worked with so much credit. In 1885 it was the opinion of the noble Lord that these clauses were extremely valuable; and in 1886, when the noble Marquess was in power, the noble Earl, in the Debate on the Address, found great fault with the Government because they had not renewed them. From that it was quite clear that the noble Earl regarded these clauses as of great value, and in that respect he held a different opinion from that of the Chief Secretary for Ireland. Was the noble Earl still of that opinion? If not, why not? And if these clauses were, in his opinion, as valuable now as they were then, did he intend to advise Her Majesty's Government to renew them? It was quite clear that the ordinary law was at present perfectly powerless in certain districts of Ireland. The Government had at their disposal a weapon for which they were indebted to Parliament, because Parliament made the Act permanent, and it was its permanence which gave to the Act its value, for it enabled the present Government to obtain the same results as the late Government had done.

THE FIRST LORD OF THE ADMIRALTY (Earl SPENCER): My Lords, I was quite ready last night to reply to the noble Marquess who opened the Debate; but when we found that your Lordships desired a longer Debate, I thought it advisable to reserve the remarks which I had to make. First, to notice the speech of the noble Marquess the late Viceroy (Lord Zetland). It was very clearly delivered and was couched in the most moderate language. I fully acknowledge the value of the arguments which the noble Marquess used, and I will

refer to some of his remarks later on. The noble Marquess who opened the Debate, in the not so temperate speech which he delivered, said that it was the action of Her Majesty's Government which has produced the lamentable events to which he referred. But if that is so, why is it that those lamentable events have occurred only in a few counties, Limerick, which is the subject of his Motion, and Clare, to which he only incidentally referred? If the argument of the noble Marquess is sound, the action of Her Majesty's Government ought to have resulted in disastrous effects of the same kind in every part of Ireland. In Ireland at large crime has diminished from the period when Her Majesty's Government took Office up to the 22nd of May. The number of threatening letters and notices from August 23, 1892, to May 22, 1893, was 135; in the corresponding period of 1891-2 it was 148. The number of agrarian outrages, exclusive of threatening letters and notices, was in the former period 139, in the latter period 170. So that the total number of agrarian offences from August 23, 1892, to May 22, 1893, was 274, as compared with a total of 318 in the corresponding period of 1891, or a decrease of 44. We have a still further test. There were 444 persons committed for trial from August 23, 1892, to May 22, 1893; the number during the corresponding period under the late Government was 338. Therefore, more men were made amenable by over 100 than in the corresponding period of the year before. If we compare the convictions, the number since Her Majesty's Government came into Office in 1892 up to May 22, 1893, was 139; it was 101 in the corresponding period under Her Majesty's late Government. The acquittals up to May, 1893, were 113, as compared with 91 in the corresponding period under the late Government, the comparison in that respect being in favour of the Government of the noble Marquess. These are the figures for Ireland at large; and when these grave charges are brought forward and imputed to what the noble Marquess called "the criminal action" of Her Majesty's Government, I think I am justified in showing what is the general effect throughout the whole of Ireland. I at once admit that the state of things in particular districts is not satisfac-

tory, and that there has been an increase of crime in those districts, but I do not think that increase is so great or so alarming as has occurred in former times. I quite admit that even if the greater part of Ireland is in a good condition, and one portion of it is in a bad state, the responsibility rests with Her Majesty's Government. The Chief Secretary, as well as myself, desire nothing more than to take whatever steps may be necessary to restore order in those districts. I am quite ready to admit that there has been an increase of agrarian crime in parts of Limerick and Clare, those districts being on the borders of Cork and Kerry. I admit that moonlighting and certain agrarian crimes have increased in those districts. But there is one matter for congratulation—there has not been a single agrarian murder during the period Her Majesty's Government have been in Office.

LORD ASHBOURNE: There have been many attempts.

EARL SPENCER: There have been attempts, I admit. The noble and learned Lord seems to think I wish to extenuate this state of things. I have no wish to do so. I say I quite admit there have been attempts of the kind, but I think, having said that, I am entitled to take credit where credit can be taken. Though in Limerick there has been an increase in moonlighting, it is not the case that there has been an increase in crime in Ireland generally. The Police Authorities have done everything possible to try and put it down. They have established stations in the worst districts, and have increased the numbers of the Force. Every effort has been made to put down moonlighting in these districts, and since April 23 there has not been a single moonlighting case in the County of Limerick. The Government may take credit for the success which has attended the steps they have taken in that county. With regard to this serious outbreak of agrarian crime, I have no desire to minimise the facts; but what has occurred is, after all, only a repetition of what has occurred from time to time in Ireland; and the authorities in that country do not attribute the increase of offences in the County of Limerick to more than the usual fluctuations of crime which have taken place occasionally for many years past. Everybody acquainted

with the history of crime in Ireland knows that these fluctuations occur in particular districts. It has happened in my own experience. Counties which, back in the thirties, were in a very disturbed state, are now quiet and peaceable. In the time of my first Viceroyalty the County of Kilkenny was in such a terrible state that the Government of the day had to take special measures to deal with it, and to overcome the influence and force of the Secret Societies which existed there. But the state of things in that county is very different now, and that part of the country is perfectly quiet. It is difficult to account for these fluctuations of crime. They may arise from the influence of some leading men of particularly bad character in the district at the time, or to some particular hardships that a locality may be enduring for the time; but, whatever may be the cause, fluctuations which cannot be altogether explained undoubtedly have occurred from time to time; they pass away, and that part of the country remains as quiet as any other. This has recently been the case in Limerick and the adjacent counties, and in that way the increase of offences is to be accounted for. The noble Marquess who introduced this subject implied that the increase is due to defects in the machinery of government from the machinery having been allowed to get out of order; and he referred to the questions of the change of venue and the power of holding secret inquiries under the Crimes Act. I quite admit that great advantages have been gained, and may still be gained, by change of venue when the country is in an exceedingly disturbed condition. I still hold the opinion that I have previously expressed—that if the condition of affairs is such that a jury cannot act fairly in a particular county a change of venue is desirable. Accordingly, Her Majesty's Government will be perfectly prepared—and the Chief Secretary has already said so—to take the proper steps for obtaining change of venue if the necessity arises. As to the powers of secret inquiry, I must say that, though I am aware that there may be some indirect advantages to be gained from them, I have long been of opinion, and am still of opinion, that in the great majority of cases those powers have not proved to be of any real practical value in securing

Earl Spencer

evidence which would lead to successful results as regards convictions. I say that with regard to my own experience in Ireland. I grant that there have been many notable exceptions, but I maintain that you cannot lay down an absolute rule by taking a few cases, and in the great majority of cases the secret inquiry has not been successful. I have consulted some authorities on the subject, and they bear me out. Take the most recent cases. In the case of the three explosions that have lately occurred in Dublin the use of the powers of secret inquiry in two of them led to no favourable result. While in the third case they were not resorted to, as our Legal Advisers said it was perfectly useless to try it, and, therefore, it was given up. The point has been raised about witnesses not being afraid to give evidence when they are taken from their own into another county. But I venture to think that there is this difficulty in that assumption—that the power of holding secret inquiry does not enable you to put aside the necessity of inquiry before the Magistrates. Anyone who is afraid on account of intimidation to give evidence in his own county would probably be just as much afraid to give that evidence openly before the Magistrates in another county. What you want to do with regard to secret inquiry is to get evidence which will enable you to make men amenable and to proceed to a successful trial. In numerous cases, perhaps not an enormous number, the late Government put into force the clauses which enabled men to be imprisoned for refusing to give evidence. Why were they obliged to do it? They found that men whom they had every reason to believe could give valuable evidence refused to come forward. They had refused before the Magistrates, and they had refused before the secret inquiry. That shows that you do not gain a great deal, and that the same reluctance which prevents men coming forward in open Court operates upon them when they are before the secret inquiry. Men who are willing to come forward are not induced in the majority of cases to do so by the secret inquiry. The secret inquiry does not enable you to override the inquiry before the Magistrate, and anybody who is afraid on account of intimidation of giving evidence in his own county is just as much afraid of giving

it in another, because it has all to be shown upon the magisterial inquiry when those evil influences will be brought to bear against them. I do not think, my Lords, I need dwell further upon this subject of secret inquiry. I have been charged on a previous occasion with resorting to *tu quoque* arguments when I have compared figures under the present and the last Administration, and I wish to say that I have not quoted those figures and cases as a reproach to the late Government, but simply and entirely to show what experience has been in regard to those matters. With respect to the remarks of the noble Marquess on the offence of moonlighting, I wish to point out that moonlighting is not a scientific name or definition of any crime, and has never been adopted or printed in any official Return. It has grown up in consequence of the familiar description it conveys, and an attempt has lately been made to classify crime under this head. I believe that the term "moonlighting" is applied to crimes committed after sunset. There is no other definition of the word as far as I know. Cases of raiding for arms and attacks upon houses have been included in the Returns as agrarian crimes when the motive was clearly of an agrarian character; and cases where the motive assigned by the police fails to reveal an agrarian element have been included among non-agrarian crimes. That practice has been followed for years past, and there has been no change of procedure with regard to reporting outrages since the present Government came into Office. Upon all the points to which the noble Marquess referred yesterday I have not been able to obtain information. As to one case, however, information has reached my hands since I entered this House. That is the Moloney shooting case, and I am informed that seven men were arrested in connection with it last evening. Of course, I have not yet heard whether the case against these men is a strong one or not. I do not think it necessary to go further into the details of the speech of the noble Marquess. I will only repeat what I have said very often, that the Government are as intent and desirous of maintaining law and order in Ireland as noble Lords opposite, and that they will take whatever steps they may deem necessary to give effect to that desire. I have already explained why

the Government have not thought it necessary to renew certain powers available under the Crimes Act. I trust that this increase of crime in Limerick will prove to be only one of those fluctuations in the state of society in that county which has been so often found to occur in other districts in Ireland. Her Majesty's Government will not cease to take the steps which they think necessary for the preservation of law and order, and they sincerely trust that they will succeed in that small part of Ireland as they have succeeded in other parts of that country.

THE MARQUESS OF LONDON-DERRY said, that the noble Earl had not answered some of the most important questions which he had put to him. He wanted information as to the number of persons made amenable for the 17 cases of moonlighting in Limerick, which Mr. Morley admitted had occurred. He also wanted to know whether Mr. Morley was prepared to redeem the pledge which he gave to the House of Commons a short time ago, to the effect that if any overt acts of intimidation or denunciation should be brought to his notice the Government would interfere? He had brought an actual case of the kind before the attention of the noble Earl yesterday, and he should like an answer with reference to it.

EARL SPENCER: I have no doubt that if overt acts of intimidation can be proved the Irish Government will take steps to prosecute the offenders. I have no information as to the number of men made amenable for the moonlighting outrages in Limerick. I have tried to obtain the information, but I have not yet received a specific answer to my question on the subject.

THE MARQUESS OF LONDON-DERRY: What has been done with the Justice of the Peace who applauded the boycotting?

THE EARL OF KIMBERLEY: Really I must rise to Order. The noble Marquess cannot expect to be allowed to make a series of speeches.

THE MARQUESS OF LONDON-DERRY: All I want is answers to my questions—I expect that at least.

THE MARQUESS OF WATERFORD did not think that the House would consider the answer given by Her Majesty's Government to the indictment brought

against them at all satisfactory. In fact, there had been no answer given at all to the charges which had been so ably put forward by his noble Friend. The noble Earl had neither explained the serious state of affairs which existed in Limerick, nor had he attempted to suggest that the Government were going to take any measures with a view of enforcing the law and putting down crime. There seemed to be a conspiracy of silence on the part of the Government in their Lordships' House as well as in the other House in regard to Irish affairs at the present time. The noble Earl had not attempted to explain what was the reason for the increase of crime in Limerick. The noble Earl said that an influx of crime took place occasionally at intervals in Ireland. But when an influx of crime took place surely it was the duty of the Government to take steps to suppress the crime. The figures of the noble Earl distinguishing between agrarian and non-agrarian crime proved nothing. It was a curious fact that non-agrarian crime had been increasing in Ireland of late. But these so-called non-agrarian crimes were really agrarian, and, therefore, the Returns quoted were most misleading. In the Debate in the House of Commons the Chief Secretary stated that not a single moonlighting outrage had occurred in the County of Limerick since April 23. Well, he held in his hand a Return taken from the only means at his disposal, the public Press, of outrages in Limerick, and he found that on April 29 John Walshe's house was fired into, and on the same day Mary English's hay was burned, and Joanna Richardson's cow-house destroyed. On May 13 Owen Haggarty's house was attacked by moonlighters, and on May 15 Martin O'Mara's hay was burned. So that the House would see that the Returns of outrages put forward by the Government were incorrect even for the short time that had elapsed between April 23 and the present time. He would tell Her Majesty's Government the reason why there had been an increase of crime in Limerick and other counties in Ireland. It was because Her Majesty's Government knew that they were kept in Office by the Leaders of the National League, and had been obliged to throw away all the weapons which were necessary to enforce the law in Ireland. They were

endeavouring to preserve order in Ireland with the assistance of the forces of disorder. As he had pointed out, Her Majesty's Government were kept in Office at this moment by the Leaders of the National League, and they were attempting to govern the country with their assistance. Of all the mistakes that were ever made in the government of Ireland—and there had been many—there never had been a greater mistake made than the attempt to govern the country by the aid of those who had openly defied the law. This mistake had been made over and over again, and it was this mistake which was now causing this terrible state of affairs in Limerick. He had always admired the firmness and courage with which the noble Earl (Earl Spencer) administered the most stringent Coercion Act of modern times, but he asked the noble Earl whether there could be a greater encouragement to the forces of disorder than to see him supporting a policy which would be certain to hand over the very men he himself had used against the disloyal classes in Ireland to those classes, tied hand and foot, to do with them as they would, and probably to punish them for the very support and assistance they had given him when he was trying to enforce the law and maintain order in Ireland. Was not that in itself enough to encourage disorder and lawlessness? No wonder the law-breakers believed that a surrender had been made to them. Then, again, was not the action of the Members of the present Government when in Opposition sufficient to give impetus and encouragement to the criminal classes in Ireland? They encouraged the Land League in their endeavours to upset the law of the land. They never said one word against the Plan of Campaign. Although the noble Earl the other night declared that he had done so, he did not think anything of the kind could have been said in their Lordships' House. Certainly he was not present when the declaration was made, and he had not seen any report of it in the newspapers. On every occasion when Mr. Balfour was attempting to enforce the law and punish law-breakers they did all in their power to put every obstacle in his way. They sat by and allowed the Magistrates to be attacked and the police abused, and

never said a word in their defence, and the peasantry in Ireland naturally believed that they approved these attacks. They voted in the House of Commons in favour of the Evicted Tenants Bill, and there was nothing which had caused Her Majesty's Government so much trouble, he was glad to say, since. Was it wonderful that their Lordships now saw that people in certain counties in Ireland were taking these lessons to heart? Was it wonderful, when such encouragement had been given to those who represented the National League in Ireland, when such ideas had been put into the heads of their supporters and dupes, the evicted tenants, the moonlighters and assassins, that Her Majesty's Government now found it difficult to enforce the law for the protection of life and property in certain counties. It was easy to understand how these people had taken the hint, and how the action which the Government took in Opposition had led the uneducated peasantry to believe that they had friends at headquarters, who, if they were not prepared to support them, at any rate would not punish them if they were detected in crime. The very fact that the Crimes Act had been made a dead letter, that the Evicted Tenants Commission had been appointed, with its outrageously biased composition and its more than ridiculous procedure and Report, were enough to encourage the forces of disorder to make themselves severely felt, and hence the state of affairs which his noble Friend had put before their Lordships. The condition of Ireland was getting, and would get, worse and worse from month to month and from week to week, unless Her Majesty's Government were prepared to take measures to improve it, until at last the Chief Secretary would be forced to choose between the Scylla and Charybdis of either bringing in a new Coercion Act or giving up Ireland altogether to the Nationalist Leaders and the Land League. The Chief Secretary, in the House of Commons some time back, said that the change of venue was useless. If the change of venue was useless, how was it that a number of convictions took place under it which were quoted by the Chief Secretary on Monday night in the House of Commons? How was it that Mr. Balfour had been able to bring the country into such good order? How

was it that he was able at last to withdraw the operation of the Crimes Act in almost every county in Ireland? How was it that Limerick was quite orderly and quiet during the last years of Office of the late Government? How was it that Mr. Campbell-Bannerman in 1885, and Sir G. Trevelyan in 1886, advocated a change of venue as a means of punishing crime? Both those right hon. Gentlemen had been Chief Secretaries for Ireland; both of them were now in the Cabinet. Did they agree with the present Chief Secretary that change of venue was not of any use? If the change of venue and secret inquiry and other provisions of the Crimes Act were of no use, how was it that Mr. Balfour effected the great change he brought about in the condition of the country? There was another effect of the Crimes Act which Her Majesty's Government seemed to have disregarded. When it was in force, even if prosecutions and convictions were not very numerous, the law-breakers knew that they were in danger of being found out, and left the country, and almost immediately a change was seen in the diminution of terrorism and outrage. But what was to cause law-breakers in Limerick at the present time either to fear the law or leave the country? They knew that their friends in Parliament had absolute control over Her Majesty's Government, and that they could turn them out of Office at a moment's notice. They had seen men who had been convicted of murder let out before their time had expired. Was not that enough to encourage the forces of disorder and lawlessness? Again, the forces of disorder saw a Government pledged up to the eyes to hand over the whole country, every portion of its wealth and manufactures, to the very men against whom the noble Earl put the forces of civilization in action in order to punish and prevent crime. What must these classes think when they saw in the Bill, which had been rightly called a "crazy measure"—for it was crazy in almost every clause—the provision that the whole management of the land in Ireland was to be handed over to the tender mercies of an Irish Executive within three years? Was it a wonder that the forces of disorder should believe that they had won all along the line when they saw the very

thing at last proposed for which they had been fighting for generations—that the country should be handed over to an Executive appointed by themselves within a very limited period? They had at last induced Her Majesty's Government to bring in a Bill proposing to give them what they had so long been fighting for, and naturally they had every inducement to go on in their present course, believing that Her Majesty's Government would never interfere with them even to stop outrage or put down crime.

***LORD ASHBOURNE:** My Lords, the noble Earl opposite, speaking on behalf of Her Majesty's Government, spoke, I think, in a way calculated to divert attention as much as possible from the question presented for the consideration of your Lordships' House, because he endeavoured to divert attention from the state of Limerick by referring to some general statistics as to all Ireland, which would include petty crimes committed in the City of Dublin; and he again endeavoured to divert attention from the serious nature of crime in Limerick by drawing distinctions between definitions of crime in that county. I think it better to remind your Lordships shortly in a sentence of what was presented to the attention of the House by my noble Friend the Marquess of Londonderry yesterday. The state of Limerick may be set out by three figures which have been admitted by Mr. Morley in the House of Commons. Agrarian crime has gone up from 11 to 15 since the present Government came into Office, less than a year ago; non-agrarian crime has gone up from 25 to 51; and moonlighting offences have risen from 1 to 17 in the County of Limerick. These are grave, painful, and significant figures, and what we want to know is, not generally as to Ireland, but particularly as to Limerick, where these melancholy disclosures have been made, what efforts the Government are going to make to deal with this painful state of affairs in that particular part of Ireland. Now, my Lords, I put aside the distinctions drawn by the noble Earl in this House and by Mr. Morley in the other House of Parliament. I do not care whether the crimes are called agrarian or non-agrarian, Whiteboy outrages, or moonlighting. What we have to look at

is the state of demoralisation which is shown by the increase of serious crime and substantial advance of ruffianism. That is the problem; and whether you call them moonlighting, Whiteboy, agrarian, or partial-agrarian offences, it does not lessen the seriousness of the position. I maintain that the figures I have quoted show a diseased state in that particular part of Ireland, and we have a right to know whether the Government recognise that grave state of affairs, and what steps they intend to take in that particular part of Ireland to grapple with crime. The noble Earl, in the closing part of his speech, endeavoured to make out that Ireland occasionally suffers from ebullitions of crime.

EARL SPENCER: Parts of Ireland.

LORD ASHBOURNE: Well, parts of Ireland: apparently as children suffer from measles or whooping-cough. But surely that, again, cannot be applied to the particular problem put forward in this Motion. We are dealing with Limerick, which shows an immense growth of crime under all heads of classification, and we have a right to ask the Government, "Are you alive to the responsibilities of government, and what are the steps that you intend to take to cope with this grave, serious, and dangerous state of affairs?" I am surprised that the noble Earl repeated the statement made yesterday in the House of Commons by Mr. Morley that since April 23 there have been no moonlighting offences committed in County Limerick. Mr. Russell gave four cases of outrage, with the names of the people and all the particulars which had occurred since that date; and what was the answer given to Mr. Russell? Mr. Morley's reply was that, as the offences were committed in the day time, they were not moonlighting offences. What difference does that make? It does not affect the question a pin's point. These ruffians had the audacity not to wait for night, and it is misleading the House to give such a poor, puny, wretched answer that these cowardly offences were not moonlighting outrages because they did not occur at night. It has been said that in Kerry and Clare there has always been agrarian crime, but that is not the history of Limerick. Until recent times Limerick had a far better record than the

other two counties. How was this brought about? I do not care to go into any personal recriminations on this point. It is far too serious a matter for that. But, at all events, this remark may be made, and the Government in relying upon statistics must bear this fact in mind. For the first time they have upon their side those who previously have not been found in support of the cause of law and order. They have those who have preached and have given their aid to sedition. They have also the unalloyed support of the Roman Catholic priesthood. These are great agencies, and I would not have been surprised if the statistics had shown in many cases an enormous falling off in crime. We might have expected that at least there would have been no great increase of crime in County Limerick. How is it that with these aids, this vast assistance, the Government have these startling figures in unchallenged existence? How is it that, with those forces now arrayed on their side, the Government are powerless to keep down crime and outrages since they came into Office? Because the Party in favour of disorder—those who are criminals—have seen the example set by the Government in weakening the powers of administration. They have seen the Government laying aside the special powers which heretofore have worked efficiently to put down crime, and it is more than foolish to expect men of the criminal classes not to be encouraged to deliberately defy the law when that law has laid aside its remedies, its most certain means of detection and punishment. Of course, it goes without saying that no Government wishes for crime. But there is a certain method of speech employed when these topics are brought before Government, which may tend not to denounce and discourage crime as it should be denounced and discouraged. When crimes of intimidation and boycotting are brought before the notice of the Government I have never heard them indignantly denounced. Let them not think that a quick-witted, keen people, like the Irish, do not read and study these things. What are the weapons that the Government have laid down? When the late Government left Office they left certain clauses of the Crimes Act in force dealing with the change of venue, getting special juries,

and making secret inquiries. Those are provisions that will be found to be in operation in any well-governed country. Putting aside all questions of so-called coercion, what country with a Criminal Code, intent on punishing crime and obtaining trials fair and free, free from intimidation and undue influence, would not welcome a system whereby secret inquiry, change of venue, and special juries could be obtained, a system known to all law? Why were those powers laid aside? Was it to assist the administration of justice? Was it done in order to show that the present Government were better than their predecessors in being able, no matter what was to happen, to govern without those clauses? If that was their object, the disuse of them puts on the Government a gigantic responsibility. Can they give a single valid reason on the merits in the nature of things, why they should not have continued to use the power of change of venue which at Assizes after Assizes has been proved to work well, and where the local venue notoriously prevents in many cases the administration of justice? Can a single argument that would be listened to by rational men be adduced to show that that power is not one that would be welcomed by any Government that seriously intended to prevent and punish crime? The process of secret inquiry is common in Scotland, and it was adopted under the Explosives Act. Is there anything in the history of the administration of justice in Ireland to justify its being given up? It will not do for the noble Earl to give his own opinion. I respected the personal opinion of the noble Earl opposite when he was Viceroy of Ireland. When he was Viceroy of Ireland, the noble Earl used this power because he found it to be efficacious. But now the noble Earl thinks it sufficient across the floor of your Lordships' House, when challenged upon it, to set up his own *ipse dixit*, and to say he does not think it a good and useful power. As an answer to that opinion I appeal to the Return distributed yesterday to the House of Commons, which shows the value of the power in the convictions obtained for attacking dwelling houses, firing and wounding, and in the exemplary sentences passed upon the offenders. Is it not idle, in the face of

these facts, to say that the process is not efficacious to track and punish crime? An immense responsibility rests upon the Administration, which, with such facts before it, deliberately lays aside a power that can be used only to discover and punish guilty persons. Is it not futile for the Government to say—We will rest tranquil and see if there is more crime—wait and see what we will do if there is more crime. These are points worthy of serious attention, and they go to show that the condition of the County of Limerick has not been brought forward one moment too soon. What are the alternatives suggested by the noble Earl? I have been utterly unable to gather how the Government is going to deal with the crime prevailing in that county; and I suspect they do not know themselves. Mr. Morley used a phrase that would be admirable if we could govern a country with phrases; he said he would continue using with reference to Limerick a vigorous, a firm, and a prompt policy. But where are the vigour, firmness, and promptitude? Are we to wait until the Winter Assizes for a resort to a change of venue? Is there to be no remedy applied to the existing state of things before them? The noble Earl knows as well as the Law Advisers of the Government that if the offenders in some of the cases are sent for trial before common juries at the next Assizes the result may be a farce. I could so describe it if the result would not be so appalling for the interests of the country. But are the Government justified, from any motive of policy, in playing with the peace of a county and its inhabitants? Is it not a tremendous issue for the inhabitants of Limerick? They are subject to these outrages upon themselves and their property. They have no reason to be thankful to a Whiteboy assassin who is not a good shot. It is of no use saying there have been no murders in a certain locality if, in the next breath, you have to admit that there have been attempts at murder, which are just as demoralising as if the attempts had been successful. Surely the wickedness of the Whiteboy assassin and the depravity of mind shown in the locality are just as great. I could have understood it if we could be told that this is only a question of lawyers' points; but this is an immense matter of substance—

Lord Ashbourne

it is no lawyer's technicality at all. You cannot get fair trials without in some cases changing the venue, and Her Majesty's Government are not justified in refusing to use the power which was ready to their hand when they come into Office. Without change of venue and special juries you cannot in many cases punish crime, and the effect is most demoralising when criminals find that crime can be committed with impunity. You have put your sword into your scabbard to go into this campaign; you have deliberately gone into the campaign with old flint-locks that will not go off, and have laid aside your good and efficient weapons. And how will it affect the poor people whom you say you wish to give evidence? Why should they give evidence? Why should they have courage when you have—almost I would say—cowardice, if you have not the moral courage to do what is right about change of venue? How can you expect them, living on the spot, in the midst of intimidation and danger to their lives, to have the courage to come forward and give evidence when they find this cowardice in the Government itself, and when, as the result of that cowardice, convictions are not obtained, the prisoners at once go free, and the witnesses return to their homes with bowed heads, to remain in misery and terror as long as they live? My Lords, in my opinion it is impossible to overstate the importance of this matter. We are dealing, not with hypothetical cases, but with proved realities. The figures quoted yesterday show that in Clare and Limerick change of venue has been very successful. In Limerick itself, out of 41 cases and over 60 prisoners, 28 have been actually convicted. Without change of venue, these offenders would have gone scot free. The Government have ready to their hands a power that has been proved to be efficient. Knowing it was ready to their hands, on them rests a terrible responsibility if they refuse to use it when the necessity is so obvious. Why will not they do it? I do not know why Her Majesty's Government have not used it. From some sentences spoken by Mr. Morley yesterday, it may be that they are prepared to do it. I gather from the noble Earl that he would not himself be reluctant to use it, though he guarded himself cautiously.

However, one thing is obvious: the present painful state of affairs cannot be allowed to continue. I will quote Mr. Morley's own words again—they are weighty provided they mean something; he said that the Government are prepared to cope with this state of things in "a vigorous, firm, and prompt manner," and he admits that it cannot be allowed to continue. In addition to the figures I have mentioned to your Lordships, there has been a growth of what the noble Earl knows well is painfully significant of a great element of lawlessness in Ireland, and that is the establishment of Land Courts, which issue process compelling people to appear before them and with their own system of rewards and punishments, the punishments being very direct, and the rewards being the non-infliction of punishment. This is a grave state of facts taken in connection with the growth of intimidation. Everyone knows it. A case was given by the noble Marquess yesterday where a person was mentioned by name and all the circumstances given; and others are given every day in the House of Commons. Is not that a grave and serious state of facts? I venture to say that the Government should put one problem before themselves for the sake of the lives and property of the poor people of Limerick, and that is—"How shall we maintain law and order in that part of what are still the Queen's Dominions; how are we to insure with all the power at our disposal that crime shall be detected and punished?" You know that, taken by itself, it is no use drafting in extra police. You will never detect crime in Ireland; you never have detected crime in Ireland, unless you satisfy people that you mean to punish the criminals. But if you only mean to go through what, after all, may be the miserable farce of trying to find the criminals, inducing poor people to come forward and give evidence against them, and then refusing to place those criminals in a position where they can get an independent trial free from intimidation, then, I say, enough has not been done to satisfy the requirements of the case and the demands of public justice. My Lords, I appreciate the difficulties of an Irish Government. Any Irishmen, not to speak of anybody who has ever been an Irish official, must

thoroughly appreciate the difficulties which Irish officials are constantly exposed to. Those difficulties are common enough and sufficiently well-known. But this is a matter which is to be viewed from a very original point of view. Never before, as far as I know, in the history of Ireland was an Administration in the painful—almost the horrible—position of knowing what was necessary and yet was not sure that they would do what was needed. If only the character of the Members of Her Majesty's Government was at stake, I should not deem it necessary to say more. They must satisfy the obligations of their own honour. But what is to happen to the poor Limerick people while these crimes are developing, and while the Government are saying they are going to do something that they have not done yet? This, my Lords, is a serious and grave state of affairs. Honest and honourable men are terrorised, property is destroyed, and the Queen's peace is broken. These are grave statements to make unchallenged. They cannot be questioned. We have given our figures on the authority of the Government themselves. Chapter and verse have been given for every one of them. My Lords, I still have a hope, from some sentences which have been spoken elsewhere, and from part of a sentence uttered by the noble Earl in your Lordships' House, that the Government will rise to the dignity of their position, that they realise their responsibilities and the obligation of satisfying them. If they do so, I venture to think they will obtain the approval of all honourable and honest subjects of the Queen. The state of Limerick at present is a discredit to any Government and an outrage on all decent public opinion.

THE EARL OF KIMBERLEY: My Lords, the noble and learned Lord, near the conclusion of his speech, informed us that he and others who have spoken on the opposite side have given chapter and verse for their statements. They have spoken of the number of recent moonlighting outrages in Limerick; but the fact is there has not been a moonlighting outrage in that county since April 23. I am extremely glad that the noble and learned Lord gave what he called chapter and verse for his statements, for

I shall have great pleasure in giving him chapter and verse for what I am about to say. My noble Friend (Earl Spencer) had not in his hands the answer to those statements when he spoke. I, fortunately, am possessed of them. These were the statements of noble Lords opposite. They said that on May 2 the house of John Walsh was fired into in Limerick. The answer to that is that this outrage occurred in Clare on April 29. The next case they gave was that of Mary Richardson, whose cow-house they said was burnt in Limerick on May 17. The fact was it was burnt on December 21, 1892. The third case was that of Owen Hegarty, whose house they said was fired into in Limerick. That occurred not in Limerick, but in Clare, on May 11.

***LORD ASHBOURNE** : May I venture to say in explanation that I had before me the report of the speech of Mr. Russell delivered before Mr. Morley in the House of Commons ?

THE EARL OF KIMBERLEY : And I have the Report of the Irish Government, which has been prepared since Mr. Morley spoke, and I could not wish for anything better than that we should be judged by the accuracy of those two statements. The noble and learned Lord denounced the Government in the most violent language upon statements which I have shown to be inaccurate and not worth the paper on which they are written. The noble and learned Lord said that my noble Friend (Earl Spencer) endeavoured to divert the attention of the House from the particular case of Limerick by going into the general case of Ireland. But my noble Friend was bound to do that, because, as the case was presented, the whole state of affairs as regards crime in Ireland is said to be the result of the action of the Government. The noble Lord talked a great deal of the growth of crime in Limerick ; but he brought in Clare and Kerry too, and at the end of his speech he spoke of the growth of crime, and he did not say anything with regard to Limerick. My noble Friend has shown, I fully admit, that the state of things in Limerick is in the highest degree unsatisfactory. But, having said that, I shall probably be told that I have not denounced crime in language sufficiently strong. I am quite ready to denounce it in any language, and

to employ any number of epithets that will satisfy noble Lords. I abhor crime ; I detest it in every shape ; and I desire that by every possible means it should be put down. Having said that, once for all, do not let my noble Friends suppose that we pursue our policy from any sympathy with crime, for I can assure them there is no foundation for that suggestion. I admit that there has been an outbreak of crime in Limerick ; but, as my noble Friend has pointed out, during the last month there has been a subsidence of it. That may be due—though I am not prepared to so ascribe it—to the fact that a Liberal Government is in Office ; it is impossible always to say that causes and effects can be proved. But this I do know—that the measures taken by Mr. Morley in Limerick have been followed by a subsidence of crime in that county during the last month. That being the case, what possible ground is there at this moment for denouncing the Government for what they have done, and for not taking other measures ? When, under these circumstances, there has been a subsidence of crime in Limerick, it is only reasonable that the Government should wait to see whether the steps that have been taken will continue to be successful. Allow me, for a moment, to tell the House what I think is the right way of looking at this question. No doubt noble Lords will differ from me ; but in dealing with Ireland, which has long been suffering under those evils, we ought not to fix our minds on the occurrence of crime in some particular district at some particular moment, but to take a wider view and try to ascertain to what general causes the existence of this crime is due. Special measures at some special moment may be necessary and may produce some effect ; but the main point to consider is whether the policy followed is such as to permanently improve the condition of Ireland. Noble Lords opposite seem to be very greatly enamoured of the Crimes Act which they passed. They seem to regard it as the one and only panacea in dealing with Ireland, and that peace and order cannot exist in that country unless the Act is in operation ; and they seem to be almost disappointed to find that Ireland can be governed under the ordinary law. The Government takes an entirely different view. We believe

it is a misfortune to any country and to the Government to have to govern the country by means of special laws; and we believe that it is our absolute duty, if we see any reasonable ground for supposing that we can dispense with such special laws, to govern according to the ordinary law. Although I entirely and fully admit that the suppression of crime is one of the first duties of Government, I contend, at the same time, that the Government ought to look to the permanent effect of the measures which they apply. What we want in Ireland, and what, I admit, we have never yet been able to achieve, is to get the masses of the population on the side of the law. Coercion Acts may be passed, and the law may be administered with all the vigour and promptitude that noble Lords opposite desire; but unless by some means the peasantry of Ireland can be got to support the administration of the law no permanent improvement will ever be effected in that unfortunate country. The noble and learned Lord opposite (Lord Ashbourne) referred to the special advantages the Government possessed in regard to this matter at the present time, and he said, perhaps not unnaturally, that as the Government has now in Parliament the support of the Irish Nationalist Party it might reasonably be expected that there would have been an enormous diminution of crime in Ireland. But the noble and learned Lord seems to forget that that argument has two sides. Noble Lords opposite and their Party have again and again denounced the Nationalist Party in Ireland as the authors, and instigators of crime. But if, when that Party is on the side of the Government, and when it is obviously to their paramount interest to prevent as far as possible any increase of crime, it can be shown that they have failed, and that, nevertheless, there has been an increase of crime in Ireland, the fact proves that those accusations are untrue. You cannot escape the logic of that argument. I do not say that this is a complete answer to all the accusations made against the Nationalist Party, because in some conspicuous instances in times past outrages have occurred in Ireland which could be traced to Organisations used for political purposes. But I repeat that the Government ought not, because there is a sudden outbreak of crime in one or two parti-

cular districts, forthwith to give up the endeavour to govern Ireland by the ordinary law. But we do not deny that circumstances may occur in which it may be necessary to have recourse to exceptional measures; and as to change of venue, my right hon. Friend in another place has fully admitted that if it became necessary in order to procure fair trial and conviction it would be adopted, and my noble Friend (Earl Spencer) has admitted that if you see good reason to think you can obtain good results by a resort to change of venue, to that change of venue you ought to resort. In conclusion, I will only say this: The Government have been challenged, and fairly challenged, to say what they are going to do in Limerick. That is the question at present before your Lordships. I reply, then, that in Limerick the Government are going to administer, for the present, the ordinary law of the country, and if that conspicuously fails in suppressing these outrages, and, as a necessary protection, other measures have to be taken, Her Majesty's Government will know what it is their duty to do.

LORD INCHQUIN said, the noble Earl who had answered for the Government seemed to take comfort from the fact that in some of the outrages which had been committed murder had not resulted. That reminded him of a story told of a curate in the South of Ireland, who, in addressing his congregation, said—

"Why do you commit these outrages—what is the cause of them? I will tell you—whisky. What is the cause of your shooting at your landlords? Whisky. What is the cause of your missing them? Whisky."

Before he sat down he would show the noble Earl that many serious outrages had been committed in Limerick and in Clare since the present Government came into Office. Early in September, on November 14, April 15, and April 16 moonlighters visited the houses of farmers in Limerick, and shot them and members of their families in the legs, or beat them in the most cruel and dangerous manner, for occupying evicted land. In Clare there had been no diminution of crime since he last drew their Lordships' attention to the matter. As a resident in one of those disturbed districts, he called upon the Government for a more decided

reply to the facts and charges which had been brought forward than had been given. The answers already given were most incomplete and unsatisfactory. Could it be supposed that if such outrages as he had mentioned had been committed in any county in England special legislation would not very speedily be adopted to stop them and to deal with the criminals? Why were the Government so very tender about reviving the Crimes Act to deal with outrages in Ireland—an Act, it should be borne in mind, which interfered with no single person, except the men who perpetrated crime? Simply because their Irish masters in the other House forbade them to do so. He believed that but for the influence of the Irish Members in the House of Commons the Government would at once have recourse to the Act. At the Clare Assizes recently the jurors were visited and intimidated by the friends of certain prisoners, with the result that all the prisoners except one were acquitted. In one of the most recent cases, before Mr. Moloney was shot at, there had been an outrage committed upon his estate, and nobody was convicted for it. Nothing could be stronger than Mr. Justice O'Brien's Charge respecting the troubled state of Clare. The Ennis Board of Guardians had actually denounced the Judge for delivering that Charge, and had praised the jurors for the determination which they had shown to acquit prisoners. To Mr. Blood's case attention had been drawn in a graphic letter to *The Times*, which some of their Lordships might have seen. Mr. Blood had been fired at four times. On the last occasion three policemen were with him on his car, but they did not attempt to follow the men who had fired at him, alleging as the reason for their inactivity that they were ordered not to leave the person entrusted to their care. Surely if that was the case there must be something wrong in the instructions given to the police.

EARL SPENCER: I do not know whether it will be any satisfaction to the noble Lord to hear that the order requiring all three men to remain with Mr. Blood has been modified since.

THE MARQUESS OF SALISBURY: Does that mean that one of them may run after the men when he is shot at again?

Lord Inchiquin

EARL SPENCER: The noble Marquess, I am sure, perfectly understands what I mean.

LORD INCHQUIN hoped that better precautions would be adopted. On May 13 and 17, and on June 1, other outrages were committed and murders attempted, the last one making the eighth attempt at murder since the present Government came into Office, and he called upon the noble Earl to say whether that was not a state of things which required exceptional legislation. When a special provision for a change of venue was in force fully half the men who were tried were convicted. Yet the noble Earl affirmed that to change the venue was of no avail.

EARL SPENCER: The noble Lord misunderstood me; I said nothing of the kind. In fact, I said just the contrary.

LORD INCHQUIN said, that, at all events, the Chief Secretary for Ireland had said that no advantage was to be obtained by a change of venue. If the noble Earl was of the contrary opinion, why did he not press that opinion upon his colleagues? The great importance of reviving the powers under the Crimes Act was clear. Mr. Morley had taken great credit for having provided 50 additional police for the County of Clare, but in the present state of the county he might just as well have spread the 50 police over the whole of Ireland. Land League Courts had been re-established in Clare and Limerick. Nothing could be more disastrous than the effect of the proceedings of those Courts before which men were held up, and were then threatened, and if they did not do as they were ordered were shot. That was a state of things which certainly deserved attention, and he trusted the Government would take note of the fact. He suggested that the presence of military detachments in disturbed counties would have a salutary effect, and urged the Government to recognise the necessity of searching for arms. He felt it his duty in that House, as a resident in that part of the country—for its Representatives in the House of Commons tried to make out that there was no real trouble there at all—to call their Lordships' attention to these things. Mr. Healy had stated the other day that the whole cause of trouble had been the evictions. Did he or any sensible man suppose that evictions

would ever cease when people refused to fulfil their contracts and pay their rents, whoever held the land? If the people held those views and believed that no steps would be taken against them when evictions took place, and these outrages occurred, the matter became of great moment; and he, therefore, trusted that Her Majesty's Government would give serious attention to the question of his noble Friend the Marquess of Londonderry, and to the facts which had been brought before them.

THE EARL OF MAYO said, the noble Earl opposite (Earl Spencer) had stated that secret inquiry was of no use, and had referred in support of that statement to the result in the case of the dynamite outrages which took place not long ago in Dublin as showing that it would be of no use in the case of agrarian outrages. Their Lordships were all familiar with the terrible crimes which had been committed by the Invincibles. He had good reason to believe that this party still existed in Dublin; and that if the cause of the outrages was ever discovered, that would be found to be the case. The answers which had been given by the Government on this question of crime had been unsatisfactory. No doubt the crime thermometer in every country fluctuated; but those who had to live and die in Ireland, and were liable to be shot at, wanted to know what the Government were going to do, and what height the crime thermometer in Ireland must reach before the Government cooled it down in the shape of a strong protective measure. The Chief Secretary said that he was going to do something; but those who resided in Ireland wanted to know what really was going to be done. A few words from the Government in power stating that they would support the loyal portion of the population in Ireland would do more good than any number of vague speeches; and, therefore, if they could only obtain a straightforward statement, to make a bad joke, a "Clare and satisfactory" answer from the noble Earl opposite, and from Mr. Morley now and then, if not this time on future occasions, a great deal would have been achieved.

RAILWAY RATES AND CHARGES.

Message from the Commons for leave for the Lord Balfour of Burley to attend to be examined as a witness before the Select Committee of that House; Leave given for his Lordship to attend if he think fit; and his Lordship (in his place) consenting thereto, a message ordered to be sent to the Commons to acquaint them therewith.

COMMITTEE OF SELECTION FOR THE
STANDING COMMITTEE.

Report from, That the Committee have added The Lord Shand to the Standing Committee; read, and ordered to lie on the Table.

ELEMENTARY EDUCATION PROVI-
SIONAL ORDERS CONFIRMATION
(CHISWICK, &c.) BILL [H.L.].—
(No. 53.)

Read 3^a (according to Order), and passed, and sent to the Commons.

METROPOLITAN COMMONS PROVI-
SIONAL ORDER (BANSTEAD) BILL.—
(No. 51.)

Amendments reported (according to Order), and Bill to be read 3^a on Monday next.

ELECTRIC LIGHTING PROVISIONAL
ORDER (No. 1) BILL.—(No. 105.)

Read 2^a (according to Order), and committed to a Committee of the Whole House on Monday next.

ELECTRIC LIGHTING PROVISIONAL
ORDERS (No. 3) BILL.—(No. 106.)

Read 2^a (according to Order), and committed to a Committee of the Whole House on Monday next.

CONSOLIDATED FUND (NO. 2) BILL.

Brought from the Commons; read 1^a; and to be read 2^a on Monday next; and Standing Order No. XXXIX. to be considered in order to its being dispensed with.—(The Lord President [*E. Kimberley*].)

House adjourned at twenty minutes past Seven o'clock, to Monday next, a quarter before Eleven o'clock.

HOUSE OF COMMONS,

Friday, 2nd June 1893.

The House met at Two of the clock.

QUESTIONS.

THE HARWELL CHARITIES, BERKSHIRE.

MR. DODD (Essex, Maldon) : I beg to ask the Parliamentary Charity Commissioner whether he is aware that, in the Draft Scheme now proposed by the Charity Commissioners for the Charities of Harwell, Berks, the majority of the Trustees are not elected by the ratepayers, as required by the Resolution of this House; whether he will, before the Scheme is approved in its present form, consider whether it could with advantage be altered so as to be similar to that recently approved for Sunningwell, Berks; whether he can inform the House upon what grounds it is by the Scheme proposed to devote of the Charity left by John Loder one-half to the purposes of the Church; and whether that appropriation has been objected to by a public meeting held in the village?

THE PARLIAMENTARY CHARITY COMMISSIONER (Mr. T. E. ELLIS, Merionethshire) : In the result of objections elicited by the publication of the Draft Scheme in this case the Commissioners have decided to assimilate the Governing Body (subject to the retention of existing Trustees) to that constituted by a recently established Scheme for the Charities of Sunningwell. It is not proposed to devote any portion of Robert Loder's Charity for education to Church purposes. Objection has been taken at a public meeting in the village to the proposed application to the maintenance of the parish church and its furniture of one-half of John Loder's Charity, which was given for the repair of the church and of the highways, the relief of the poor and such like pious uses. This objection will be carefully considered by the Commissioners.

OUTRAGE AT CLARE ISLAND.

MR. WILLIAM KENNY (Dublin, St. Stephen's Green) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if his attention has been drawn to the recent outrage at Clare Island, on the West Coast of Ireland; is he aware that, on Sunday the 21st May, the people of the locality destroyed the meadow land of a farmer named Grady, by turning in upon it the horses and cattle of the district, and that, on Grady and his son interfering for the protection of his property, they were roughly handled and assaulted by the crowd; that the crowd hoisted a green flag when they had completed the destruction of the meadow; whether Grady's only offence was the taking of an evicted farm; if he has information that this is only one of a series of outrages that have been perpetrated in the island within the last month; and what steps the Government propose to put an end to such practices?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne) : I am informed that Grady is not in occupation as tenant of an evicted farm on Clare Island, but that he is taking care of the meadow on the farm. It is true that on the 21st of May the meadow was destroyed by being eaten down and trampled upon, and that a flag was erected by the crowd. Grady was assaulted, but not seriously, when endeavouring to prevent the trespass, and for this offence a prosecution has been ordered against certain of his assailants. Disturbances previously occurred on the Island on the 3rd, 4th, and 5th of May, when a bailiff was making seizures for rent, and directions have been given to the police to institute proceedings against the ringleaders of these disturbances also.

MR. T. M. HEALY (Louth, N.) : I should like to ask whether Clare Island is not the Island visited by Miss Balfour on account of the great distress prevailing there, and also by Lady Zetland, and whether its desperate condition did not form in the last Parliament the subject of continual Debate, so much so that the evictions which were to be carried out were abandoned under the pressure that was brought to bear by the Leader of the Opposition when he was Chief Secretary?

MR. J. MORLEY : I believe that the facts mentioned by my hon. and learned Friend are correct, except that the action referred to was not taken by the Leader of the Opposition but by his successor in the office of Chief Secretary.

MR. MACARTNEY (Antrim, S.) : Does the right hon. Gentleman say that any pressure was brought to bear by the Chief Secretary ?

MR. T. M. HEALY : I stated that, and I stick to it. In any case the evictions were abandoned.

MR. MACARTNEY : But does the right hon. Gentleman endorse that statement ?

MR. J. MORLEY : To the best of my recollection certain legal proceedings were withdrawn in consequence of the then Chief Secretary becoming aware of the most desperate and deplorable condition of some of the people in the district.

MR. JAMES LOWTHER (Kent, Thanet) : Do I understand the right hon. Gentleman to say that the Executive Government interfered in any way between the owner of the land and his right to recover his rents ?

MR. J. MORLEY : If the right hon. Gentleman has any doubt as to what occurred he had better refer to the reports of what was said on the subject by the right hon. Gentleman the Member for Leeds (Mr. Jackson).

AUCHTERMUCHTY FEVER HOSPITAL.

MR. WEIR (Ross and Cromarty) : I beg to ask the Secretary for Scotland whether arrangements are being made by the County Council to secure a house to be used as a fever hospital at Auchtermuchty, within a few yards of the railway station, of the only road between the railway station and the town, and of the only public recreation ground ; will he explain why, although a protest from the inhabitants of the burgh of Auchtermuchty was sent to the Board of Supervision, more than seven weeks ago, no acknowledgment has been received, nor has any notice been taken, so far as is known, of the communication ; and whether steps will now be taken to prevent this house being used as a fever hospital ?

THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton) : In reply to the hon. Member,

I have consulted the Board of Supervision, and am informed that on 10th April last the Cupar District Committee of the County Council of Fife applied to the Board for approval to the site of a proposed fever hospital near Auchtermuchty. On the 13th April an intimation was made to the Board that the application, upon further consideration, was withdrawn. On the 24th April the Town Clerk of Auchtermuchty forwarded to the Board a Petition against the proposal, and in reply was informed on the 26th April that the Petition would receive consideration when the subject was again before the Board. No further application for the sanction of the hospital has been received ; but any fresh proposal will be inquired into, and objections to it fully considered, in accordance with the Board's usual practice.

SOLDIERS' HOSPITAL STOPPAGES.

SIR ARTHUR HAYTER (Walsall) : I beg to ask the Secretary of State for War whether he will consider the practicability of differentiating in the hospital stoppage the cases of men sent to hospital from unavoidable causes, or illness contracted on service, from those of men who are patients from the results of their own excesses, with a view of relieving the former of some part of the daily stoppage of 10d. now imposed on all patients alike ?

***THE SECRETARY OF STATE FOR WAR (Mr. CAMPBELL - BANNERMAN, Stirling, &c.) :** My hon. Friend has apparently been misinformed. The daily stoppage is 7d., not 10d., as stated in the question. Men in hospital on account of wounds received in action or illness contracted on service with an Army in the field are subject to no stoppage whatever. When men are injured on ordinary duty, the General Officer commanding has the power of remitting half the stoppage ; and when the injury has been received at drill or manœuvres, the whole may be remitted. Men in hospital on account of sickness resulting from offences committed by them lose the whole of their pay, instead of undergoing the ordinary stoppage of 7d.

MR. HANBURY : Is the power placed in Commanding Officers in these matters usually exercised ?

MR. CAMPBELL-BANNERMAN : That I cannot say.

MR. BERESFORD, R.M.

MR. T. M. HEALY: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland when was Mr. Beresford, R.M., appointed to the County Louth; how often has he attended at the Louth Petty Sessions during that time; and is he aware that a number of cases at this Petty Sessions were adjourned on the 16th of March that required a second Magistrate?

MR. J. MORLEY: The Resident Magistrate referred to was appointed to the Drogheda District in February, 1892. Since his appointment Petty Sessions have been held at Louth 30 times, at eight of which he was present. On the remaining occasions he was either in attendance at other Sessions in his district or employed in various duties at his station, on leave of absence. I understand that four cases were adjourned at Petty Sessions on the 16th March owing to the non-attendance of a second Magistrate. No steps were taken by the Clerk of Petty Sessions to secure the attendance of a second Magistrate, as there is generally, he explains, a full attendance of Justices at the Louth Sessions.

THE ROYAL IRISH CONSTABULARY AND THEIR BEARDS.

MR. T. M. HEALY: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland by what authority the County Inspector of Royal Irish Constabulary, Louth, recently transferred from Clare, refused to allow his men to wear their beards, contrary to the option hitherto allowed in the Force?

MR. J. MORLEY: The County Inspector states that on the occasion of his recent inspection of the Constabulary he directed the men to comply with the terms of the Regulation which, in the matter of hair, whiskers, and beards, requires that where these appendages are worn they shall not be of undue length. This is the only foundation for the allegation in the question; and it is not true he has deprived the men of the privilege of wearing beards.

THE ROYAL IRISH CONSTABULARY FORCE FUND.

MR. T. M. HEALY: I beg to ask the Chief Secretary to the Lord Lieutenant

of Ireland what sums were drawn by Colonel Wood, Colonel Hillier, Colonel Bruce, Mr. Fanning, and Mr. Colomb, late Inspectors General, respectively from the Constabulary Force Fund, and what sums each paid into this fund; was there at one time a separate Force Fund for officers, and was it wound up at the wish of the officers, who were allowed to join the fund of the rank and file; could they draw more money from the latter; and are the officers and a few officials the principal, if not the sole, objectors to this fund being wound up?

MR. J. MORLEY: The sums paid from the reward branch of the Constabulary Force Fund to the officers in question on their retirement were as follows:—Sir J. S. Wood, £279; Colonel Hillier, £279; Colonel Bruce £232 10s.; Sir R. Fanning, £155; Mr. Colomb, £76. The sums deducted from the pay of these officers for the benefit branch of the fund while in the Service were:—Sir J. S. Wood, £257 10s.; Colonel Hillier, £261 10s.; Colonel Bruce, £140 17s.; Sir R. Fanning, £161 1s.; Mr. Colomb, £186 4s. Colonel Hillier, Colonel Bruce, and Sir R. Fanning continue to contribute voluntarily to the fund from their pensions at the rate of £12, £9, and £10 per annum respectively. On the death of Sir John Wood, who also contributed from his pension, I am informed that a grant at the authorised rate was made from the benefit branch of the fund to Mrs. Wood amounting to £1,144 10s. 10d. Mr. Colomb, being unmarried, cannot derive any benefit from the statutable deduction from his pay. It seems necessary again to point out that the grants on retirement of officers and men are paid from the reward branch, the income of which is derived from fines and penalties; while the statutable deduction from pay is appropriated to the benefit branch, from which grants to families of deceased members are made. There has never been any separate public fund for officers. There was for a time a private widows' fund, but it did not prove a success and ceased to exist, having become bankrupt. It was a purely private matter from first to last. The silence of officers on the question of the winding-up of the benefit branch, so far as I can gather, appears to arise from the fact that they understand the expectations of the men could not be realized.

THE SCOTCH EDUCATION GRANT.

MR. CROMBIE (Kincardineshire) : I beg to ask the Secretary for Scotland whether the minimum grant of 17s. 6d. laid down in Article 32a of the Scotch Education Code (1893) is lower than that earned by many elementary schools ; and, if so, would he consider whether the limitation might, in view of the increased cost of elementary education, be raised to 20s. or 21s. ?

SIR G. TREVELYAN : The provision, with regard to the minimum grant of 17s. 6d. is inserted in the Code, pursuant to the Elementary Education Act, 1876, and the Department has no power to depart from this statutory provision by an alteration in the Code.

"KELLY v. RATTRAY."

MR. T. W. RUSSELL (Tyrone, S.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he has observed that the scope of the Rent Redemption Act passed in 1891 has been greatly narrowed by a decision of the Court of Appeal in Ireland in the case of "Kelly v. Rattray" ; and whether, in view of the fact that the reason of the decision was purely technical, the Government will either introduce an amending measure or assist a measure for that purpose introduced by private Members ?

MR. J. MORLEY : I have called for a Report in this matter from the Land Commission, but not yet having received same, must ask the hon Member to be good enough to defer the question for a few days.

CYPRUS.

MR. JEFFREYS (Hants, Basingstoke) : I beg to ask the Under Secretary of State for the Colonies whether the excess of Revenue over Expenditure in the Island of Cyprus last year was calculated at £92,000, which sum was paid, according to the Convention of 1878, as tribute to the Sultan of Turkey ; whether, if the above calculation had been made in the paper money in general use in Cyprus, the excess would have been only £50,000 ; and whether in future these calculations and payments can be made in the ordinary currency of the country ?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (MR. S. BUXTON, Tower Hamlets, Poplar) : The surplus of Revenue over Expenditure in the Island of Cyprus last year (1892-3) was £78,539. The amount, has, however, nothing to do with the sum payable annually as tribute, which was fixed many years ago, under the Anglo-Turkish Convention, at £92,799, being the equivalent of the average surplus during the last five years of Turkish administration. In determining that £92,799 was the sterling sum payable, Her Majesty's Government took due account of the fact that a part of the Turkish revenue and expenditure was for a short time received and paid in depreciated paper currency. There is now no paper currency in Cyprus, and the British sovereign is the standard of value.

MR. JEFFREYS : But is not the ordinary currency in Cyprus paper money in the form of Turkish Exchequer Bills ?

MR. BUXTON : Yes.

MR. PIERPOINT (Warrington) : And was the total depreciation in this paper currency borne in mind in calculating what the tribute should be ?

MR. BUXTON : Yes ; the whole question of depreciation was taken into account.

REGIMENTAL MESS PLATE.

MR. FARQUHARSON (Dorset, W.) : I beg to ask the Secretary of State for War if his attention has been called to an article in the recent number of the *United Service Magazine*, in which the question is raised as to the claims of the State or of the officers to the mess plate, and as to who would be responsible in the event of the plate being lost or stolen ; whether he can say who is the residuary owner of such plate in the case of a defunct regiment ; and in the case of a claim being made for the loss of mess plate, would the Government award compensation to the officers ; and, if not, whether he will take steps to provide that each regiment properly insures such regimental property ?

*MR. CAMPBELL-BANNERMAN : I have not seen the article referred to ; but in answer to the hon. Member's questions I may say that the practice in the British Army has always been to regard the mess plate of a regiment as

the private property of the officers for the time being of that regiment. There has been no recent case of a regiment being disbanded; and therefore the question of the ownership in the case of a defunct regiment has not arisen. As the plate is held to be private property no claim against the Government would arise in case of its loss; and it would be interference with private rights to require officers to insure their private property.

MR. FARQUHARSON: Then I understand that regimental mess plate is the property of the officers of the regiment, and the Government make no claim whatever to it?

MR. CAMPBELL-BANNERMAN: I have said so.

THE PRIVY COUNCIL OFFICE.

MR. WEIR: I beg to ask the Secretary to the Treasury why salary was paid to an officer in the Privy Council Office after the age of 70, such payment not being in accordance with the provisions of Clause 10 of the Order in Council of August 15, 1890; who is responsible for this contravention of the Order in Council, and whether payment to this gentleman has now been discontinued?

THE SECRETARY TO THE TREASURY (Sir J. T. HIBBERT, Oldham): The gentleman in question was retained to meet a temporary emergency pending the appointment of a successor, which was made on January 30 last.

THE HIGHLAND LAND COMMISSION.

DR. MACGREGOR (Invernesshire): I beg to ask the Secretary for Scotland, considering that the Royal Commission on Land in the Highlands and Islands have now, after about a month's work, found it necessary to suspend operations for a three weeks' rest at the best period of the year for prosecuting their labours, when does he expect the Commission to complete the inquiry referred to it; and whether he will call for an interim Report on the Isle of Skye, which has already been gone over by the Commission, so that Parliament may have an opportunity of considering the amount of land available there for the enlargement of holdings and for allotment to the inhabitants of the congested districts?

SIR G. TREVELYAN: I am unable to say when the Commissioners will con-

clude their labours, as to the nature of which I spoke to the House in some detail on the Report of the Vote on Account. With regard to the question of an interim Report, I will communicate with the Chairman of the Commission.

BOY LABOUR IN COAL MINES.

MR. A. C. MORTON (Peterborough): I beg to ask the Secretary of State for the Home Department whether he is aware that in the Durham and Northumberland mines the so-called boys, from 16 to 21 years of age, are made to work about 10 hours per day in the mine; and whether he can state what proportion these boys are to the men employed?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): I am informed by the Inspector of Mines for Durham that no boy between 10 and 21 is allowed to work for more than 10 hours a day. It appears that in Northumberland such boys do not usually work more than 10 hours, but occasionally by arrangement as to wages they do work 10½ hours. There is no means of ascertaining officially in what proportion the number of boys under 21 stands to the number of men employed over 21.

BOWLING PUBLIC HALL.

MR. HOZIER (Lanarkshire, S.): I beg to ask the Secretary for Scotland whether, and, if so, when, the School Board of Bowling asked him to reverse the decision of the Education Department as to the sale of the Bowling Public Hall by public auction; and whether he is aware that the original Trustees were prepared to offer the upset price, so as to enable them to reclaim the property and continue to carry into effect the original public purposes of the trust?

SIR G. TREVELYAN: A public meeting was held at Bowling on 16th June, 1891, which, in my opinion, represented the public opinion of the community, and I understand the School Board are in accord with the course that has been followed. I have explained in a previous answer the reasons which led me to think that the premises should be handed over to those who represent the community free of cost, and the small sum which was offered by certain parties, not more than £50, did not appear to me

Mr. Campbell-Bannerman

to outweigh the advantages of such a transfer.

In reply to a supplemental question by Mr. HOZIER,

SIR G. TREVELYAN said : The circumstances brought under my notice from various quarters have been seriously considered, and I am absolutely certain that the decision we have arrived at is the one desired by the great majority of the people of Bowling.

STIRLING CASTLE.

MR. WEIR : I beg to ask the Secretary of State for War whether he is aware that at one of the corners of the Palace building of Stirling Castle a column has disappeared, leaving the carved capital without support; and whether steps will be taken to replace the missing column and protect the capital from destruction; and also to rebuild the fallen or destroyed towers of the Castle, and complete those which have only been partially restored?

*MR. CAMPBELL-BANNERMAN : I am not aware of the particular dilapidation referred to in the question, but I will at once inquire whether it is necessary to take steps for preventing further mischief to ornamental work on the Palace. As to rebuilding the towers at the Gateway, that would be a considerable undertaking, and I am not prepared at present to contemplate a large expenditure for the purpose.

TRAINING SHIPS FOR BOYS.

CAPTAIN DONELAN (Cork, E.) : I beg to ask the Secretary to the Admiralty whether, in the event of a training ship being established in Irish waters, due consideration will be given to the fact that Queenstown is the headquarters of the Royal Navy in Ireland?

*THE SECRETARY TO THE ADMIRALTY (Sir U. KAY-SHUTTLEWORTH, Lancashire, Clitheroe) : Certainly, Sir—that and all other circumstances will be duly taken into consideration.

THE AGRICULTURAL HOLDINGS ACTS.

MR. MUNTZ (Warwickshire, Tamworth) : I beg to ask the hon. Member for the Harborough Division of Leicestershire whether he will to-morrow, for the convenience of hon. Members interested in the subject, place his Motion

on the Paper for the amendment of the Agricultural Holdings Acts?

MR. LOGAN (Leicester, Harborough) : I regret if any inconvenience has been caused to hon. Members. I will place the Motion on the Paper to-night.

THE GOTHENBURG SYSTEM.

MAJOR DARWIN (Staffordshire, Lichfield) : I beg to ask the Under Secretary of State for Foreign Affairs whether any letters or Reports have been received from Norway with reference to the Report of Consul General Michell on the Gothenburg system (Miscellaneous Series, No. 279); and, if so, whether he will lay them upon the Table of the House?

THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir E. GREY, Northumberland, Berwick) : One letter has been received which was certainly not worth publishing, and one Report. The letter has only just arrived; it will be referred to Consul General Michell; but it is not proposed to publish anything further at present.

RUSSIAN WAR SHIPS IN THE BLACK SEA.

SIR ELLIS ASHMEAD-BARTLETT (Sheffield, Ecclesall) : I beg to ask the Secretary to the Admiralty if he will state the number of Russian men-of-war in the Black Sea, including the ships building, with the probable dates of their completion?

*SIR U. KAY-SHUTTLEWORTH : The information will be found in Durrasier and Valentino's *Aide Memoir*, Lord Brassey's *Annual*, and the *Austrian Marine Almanac*.

SIR E. ASHMEAD-BARTLETT : I think it is very unusual for an hon. Gentleman, in answering a question, to refer the hon. Member putting it to books with which he may not be acquainted; and I beg, therefore, to give notice that I shall repeat the question on Monday, expecting to receive from him an answer of the kind usually given in reply to such questions.

*SIR U. KAY-SHUTTLEWORTH : I can assure the hon. Member that no discourtesy whatever to him was intended; but it is not thought desirable to make these specific statements as to the number of ships of any Foreign Power

in any particular part of Europe; and as the information can be obtained in other quarters I thought it better to refer the hon. Gentleman to these books.

DANGEROUS EXHIBITIONS.

MR. BARTLEY (Islington, N.): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the exhibitions now going on of jumping and diving into water from a great height, and to the extreme danger of the performance; and whether he can do anything to stop such exhibitions?

MR. ASQUITH: My attention has been called to the exhibitions referred to in the question of the hon. Member; but I have no power to stop exhibitions or performances which, though they may be dangerous to the performers, are not necessarily dangerous to the spectators. On this, as on similar previous occasions, warnings have been given through the police to the persons responsible for the exhibition that they should take all proper precautions, and I am afraid I can do nothing more.

MR. BARTLEY: May I ask whether, in the event of serious accident, the persons who give the entertainment cannot be made liable in some way? Many of these exhibitions are only attractive simply by reason of their danger.

MR. ASQUITH: If the person controlling the performance were guilty of gross negligence he would be liable under the Criminal Law.

ARMY TENTS.

MR. SCOTT-MONTAGU (Hants, New Forest): I beg to ask the Secretary of State for War whether his attention has been drawn to the fact that many of the tents supplied to the Yorkshire Artillery Militia at Plymouth are rotten and not in the least rain-proof; whether he is aware that many of the tents supplied to the 4th Battalion Hampshire Regiment at Winchester were equally bad; and whether he will take steps to see that serviceable tents are supplied to Volunteer and Militia Battalions, considering the fact that the use of bad tents has a most discouraging effect on officers and men serving in those forces, and is a great cause of bad health?

Sir U. Kay-Shuttleworth

***MR. CAMPBELL-BANNERMAN**: No Report has been received from the regiments specified, nor from the Southern District; but the General Officer Commanding the Western District has complained that the tents supplied for his district are thin. A similar Report was received from the same district last year, and, after careful investigation by the Quartermaster General and Director of Artillery personally, it was decided that the tents, though not new, were perfectly serviceable and must be taken into use. It is obvious that if new tents only are to be issued to the large number of men now placed under canvas every year the cost of camp equipment will be enormously increased. A proposal to use a heavier description of material is now under consideration.

MAJOR RASCH (Essex, S.E.): Can the right hon. Gentleman give us the date of the issue of these tents?

MR. CAMPBELL-BANNERMAN: I cannot. I should think the dates varied according to the tents.

PLEURO-PNEUMONIA AT HENDON.

MR. WILLIAM FIELD (Dublin, St. Patrick's): I beg to ask the President of the Board of Agriculture whether, in view of the recent outbreak of pleuro-pneumonia at Hendon, it is the intention of the Government to institute a series of scientific experiments to test the efficacy of inoculation as a preventative of pleuro-pneumonia, as the system is generally practised in Australia and other Colonies with good results?

***THE PRESIDENT OF THE BOARD OF AGRICULTURE** (Mr. H. GARDNER, Essex, Saffron Walden): I am afraid I can only refer my hon. Friend to the replies which have been given to the previous questions which he has addressed to my predecessor and myself on this subject. A very careful examination of the system of inoculation as practised in the Colonies was instituted by the Departmental Committee of 1888, and I see no reason to think that the result of any further experiments would be commensurate with the labour and expense involved.

THE IRISH POLICE AND THE UNION JACK.

SIR THOMAS LEA (Londonderry, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he will cause Circulars to be sent to the Irish Constabulary instructing them that the Union Jack is in no sense a Party emblem, and its use does not come under the Act (6 & 7 Will. 4, c. 38) with reference to the mistake made in the City of Londonderry?

MR. T. M. HEALY: I should, at the same time, like to ask the right hon. Gentleman whether he has obtained the written opinion of the Law Officers of the Crown on the subject; and whether it is their opinion that the display of flags on public-houses is not illegal, unless in connection with the existence of some secret society or illegal association?

MR. J. MORLEY: I shall be in a position on Monday to give the exact opinion of the Law Officers of the Crown. The subject of the construction of the sections of the Act of William IV. is under consideration. I have no intention of sending a Circular at present to the police.

CANADIAN CATTLE.

MR. CHAPLIN (Lincolnshire, Sea-ford): I beg to ask the President of the Board of Agriculture if he can state what have been the results up till now of the systematic examination of the lungs of Canadian cattle, which is now being made under the direction of the Board; and whether they appear to show at present that Canada is free from the disease; or whether the examination has disclosed any case or cases of pleuropneumonia, or of suspected pleuropneumonia, for which cattle would be slaughtered by the Board in England?

MR. H. GARDNER: Up to the end of last week 10 cargoes, comprising 5,119 head of cattle, had arrived in this country from Canada. The results of the special examination to which the lungs were subjected has proved satisfactory except in the case of an animal landed from the ss. *Lake Winnipeg*, in regard to which I am awaiting certain further information from my professional advisers which will not be available for some few days to

come. Perhaps the right hon. Gentleman would then renew his inquiry.

SIR J. LENG (Dundee): Is the right hon. Gentleman aware that the invariable experience of Scottish farmers is that the lungs of Canadian cattle are far healthier than those of a corresponding number of either English or Scotch?

MR. H. GARDNER: I can only refer the hon. Member to the reply I have just given.

MR. CHAPLIN: Do I understand that only one suspected case has been reported to the Board by its Inspectors?

MR. H. GARDNER: Various lungs were sent up, but in only one case has the examination proved unsatisfactory.

MR. CHAPLIN: But the Inspectors sent up the lungs of other animals which were suspected?

MR. H. GARDNER: Orders were given to send up lungs when there were any suspicious circumstances. Several were sent up, but, as I have said, in only one case is there any reason to believe that pleuro-pneumonia existed, and as to that I am awaiting a further Report.

PRISON (OFFICERS' SUPERANNUATION) BILL.

MR. W. WHITELAW (Perth): I beg to ask the Secretary of State for the Home Department if he will add a clause to the Prison (Officers' Superannuation) Bill, dealing with the cases of certain Scotch officers which have been brought to his notice?

MR. ASQUITH: No; the cases are in no sense analogous. The object of the Bill is to place officers who did not retire from the Service when the Prison Act, 1877, came into operation in no worse a position as regards pension than if they had so retired. The Scotch officers referred to would, as I am informed, have had no such right to pension as they now claim if the Act of 1877 had not passed. They are, therefore, asking for the creation of a new right, not for the preservation of an existing right. But the matter is one not for the Home Office, but for the Scotch Department.

MR. W. WHITELAW: Will the Secretary for Scotland introduce a Bill dealing with the Scotch cases?

SIR G. TREVELYAN: If the hon. Member will give me the facts of any individual cases I will consider them.

MR. W. WHITELAW : I beg to give notice I shall object to any further progress being made with the Superannuation Bill until I have obtained a satisfactory answer from the Scotch Office.

FRANCE AND THE CYPRUS TRIBUTE.

MR. PIERPOINT : I beg to ask the Under Secretary of State for the Colonies what was the date of the first payment to the French Government of part of the Cyprus Tribute on account of the Turkish Loan of 1855; whether there is any agreement or implied agreement with France to continue such payment; and what is the amount of such payment?

MR. S. BUXTON : The first and only payment made to France was in repayment of the amount paid by France as a joint guarantor. There is no agreement with France such as that mentioned in the question, and no payment has been, or is being, made.

HOME RULE AND IRISH SHIPS.

MR. WOLFF (Belfast, E.) : I beg to ask the First Lord of the Treasury whether, in the event of the Government of Ireland Bill becoming law, the construction and equipment of Irish ships, the examination of their officers, and the rules of their navigation generally, will remain under the control of the British Board of Trade, as at present?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian) : My answer to the question of the hon. Member is, Yes.

UGANDA.

MR. CHARLES DARLING (Deptford) : I beg to ask the First Lord of the Treasury whether the Government have any information to the effect that Sir Gerald Portal has proclaimed a Protectorate over Uganda in the name of Her Majesty?

MR. W. E. GLADSTONE : No such information as is referred to in the question has been received at the Foreign Office. In point of fact, no information has been received since the arrival of Sir Gerald Portal in Uganda. Perhaps I may say, concerning reports of that kind coming from a district so distant and so inaccessible, unless they are absolutely certified, that I would recommend hon. Members to be cautious in putting their interpretation on statements so derived.

MR. DARLING : I desire to say, by way of personal explanation, that it is precisely because I am so very cautious that I have asked the question.

MR. W. E. GLADSTONE : I gave no special advice to the hon. and learned Member. I only said that I thought it would be convenient to receive with due caution statements of this kind, which are necessarily subject to considerable uncertainty.

THE SHOOTING OF WELDON MOLONEY.

MR. T. W. RUSSELL : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he can give the House any further information with regard to the case of Weldon Moloney, who was shot at from both sides of the road near Ennis and severely wounded; is there any truth in the report that seven men have been arrested?

MR. J. MORLEY : The only information I have received on the subject is that seven men have been arrested in connection with the outrage, and taken to a place with a view to possible identification. The driver of the car says he saw nobody.

Later,

MR. J. MORLEY : I have just received information which is somewhat later. The telegram is to the effect that about 12.15 yesterday, as Mr. Moloney, of Dublin, the agent for the Kiltanua property, was driving on an outside car on his way to Tulla, he was fired at. Four shots were fired almost simultaneously from behind a high hedge on either side of the road. One struck him on the left knee, the entire leg being riddled with shot. Another struck the horse on the left shoulder. None of the shots from the right side of the road took any effect. If the horse had fallen, most probably they (the assailants) would have shot him on the road. This was a holiday, and at the time most of the people were at Mass. Being Petty Sessions day at Tulla, most of the police were engaged at the Sessions. The car was a private car; and as it left the place to fetch Mr. Moloney in the morning, it was known that he was to travel that day, and also that he was collecting the rents. Six men—not seven—have been arrested, and proceedings are being taken to ascertain whether any of them can be identified.

IRISH MAGISTRATES AND LAND GRABBING.

MR. THEOBALD (Essex, Romford) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if it is true that a meeting, at which a so-called land grabber was denounced and a boycotting resolution was passed, was presided over by Mr. J. Hughes, whom the right hon. Gentleman has recently appointed a Magistrate for Limerick?

MR. J. MORLEY : It is certainly not true that any Magistrate was appointed by me. I saw the statement which the hon. Member referred to, and yesterday directed inquiries to be made into it. I must ask the hon. Member to repeat the question on Monday.

QUESTIONS AS TO CRIME.

MR. SEXTON (Kerry, N.) : With respect to two questions on the Paper standing in the name of the hon. Member for West Belfast, but which have not been put, and also with reference to innumerable questions of the same class which have recently appeared on the Paper, I wish to ask whether it is in accordance with usage for hon. Members to put down questions reciting from day to day the details of various crimes committed in Ireland, and to simply ask if any arrests have been made; and whether it would be in accordance with usage for Irish Members to take out of the morning papers the details of crimes committed every day in any part of Great Britain for the purpose of asking a similar question?

***MR. SPEAKER :** It is not unusual to ask such questions, but it is generally understood that hon. Members who put them on the Paper should not merely pick up something they happen to see in the newspapers, but that, before putting the questions down, they should institute some inquiry, and should thus make themselves in some degree responsible for the statements they contain.

MR. SEXTON : I beg to give notice that if the practice is continued I shall arrange with my Colleagues to put down on the Paper every day the details of crimes committed in Great Britain.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.
(No. 209.)

COMMITTEE. [*Progress, 1st June.*]
[TWELFTH NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 3 (Exceptions from powers of Irish Legislature.)

***MR. BYRNE (Essex, Walthamstow)** said, that in proposing his Amendment to insert, in Sub-section 3, the words—

“Carrying and using arms, armed associations, and associations for drill and practice in the use of arms, or,”

he had on the preceding evening pointed out that the necessity for putting down Amendments to Clauses 3 and 4 had been thrust upon the Members of the Opposition by reason of the mode in which the Bill had been framed; for whereas the enumeration of Imperial subjects was most difficult, it would have been perfectly easy for the Government to have put down, one by one, in the Bill, the particular powers which they desired to delegate to the Irish Parliament. It would then have been the duty of the Opposition merely to move to strike out such of those delegated powers as they thought improper to be included. But the Bill being framed as it was, it became necessary for the Committee to consider, line by line, whether there had not been essential omissions. As the Prime Minister himself said the other night, no doubt many important things might have been omitted, and he thought it would be generally admitted that a very large number of exceedingly important Imperial questions had, in fact, been omitted from the list of exceptions named in the Bill. He did not pretend to have done more than to select from the many subjects which had presented themselves to his mind a few of the more essential ones; and in asking the Committee to discuss them, he desired to say, that though the Government might think that some of the propositions made by the opponents of the Bill were frivolous, he and other hon. Members of the Opposition had too

much at heart the vital importance of the Bill before them to indulge in frivolity of any kind. He trusted that they would accept his assurance that he neither meant to be frivolous nor to obstruct the Business of the Committee. This was the first time he had spoken in the House on this Bill, and he had only done so on this occasion because he felt that he might usefully intervene in the Debate. There were two branches of the question dealt with by his Amendment—first, the carrying of arms; and, secondly, what he might call illegitimate armed associations. With reference to both of these branches they had, first of all, the general law applicable to the whole of the United Kingdom; and, secondly, special law, owing to the general law having been unfortunately found insufficient in one portion of Her Majesty's dominions. He would, as briefly as he could, describe what he conceived to be the state of the law generally applicable to the United Kingdom, and of the special law as applied to Ireland. With reference to the carrying of arms, an Act of Parliament applicable to the whole of the United Kingdom had been in force ever since the reign of Edward III. It was known as the Statute of Northampton, and the Committee would, perhaps, pardon him for quoting from it, because in that and another Statute with which he had to deal were contained a large portion of his arguments. What was it that the Statute of Northampton provided? He would read what was contained in 2 Edward III., cap. 3—

"III. Item, it is enacted that no man, great nor small, of what condition soever he be, except the King's servants in his presence, and his Ministers in executing the King's precepts, or of their office, and such as be in their company assisting them, and also upon a cry made for arms to keep the peace, and the same in such places where such acts happen be so hardy to come before the King's Justices or other of the King's Ministers doing their office with force and arms, nor bring no force in affray of the peace nor to go nor ride armed by night nor by day in fairs, markets, nor in the presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their armour to the King, and their bodies to prison at the King's pleasure."

Thus had stood the law from the time of the passing of the Statute of Northampton down to the present day. On the previous evening he quoted from *Blackstone* his view of what the general law was upon this matter, and the view was con-

tained in the following words taken from *Blackstone's Commentaries* :—

"The offence of riding or going armed with dangerous or unusual weapons is a crime against the public peace, by terrifying the good people of the land, and is particularly prohibited by the Statute of Northampton, 2 Ed. III., cap. 3."

With regard to the second part of his Amendment, he wished to cite 60 Geo. III., and 1 Geo. IV., cap. 1, which was intitled—

"An Act to prevent the training of persons to the use of arms, and to the practice of military evolutions and exercise."

The words were—

"Whereas in some parts of the United Kingdom men clandestinely and unlawfully assembled have practised military training and exercise, to the great terror and alarm of His Majesty's peaceable and loyal subjects, and the imminent danger of the public peace. Be it therefore enacted . . . that all meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for the purpose of practising military exercise, movements, or evolutions without any lawful authority from His Majesty, or the Lieutenant, or two Justices of the Peace of any county, or Riding, or of any stewardry by commission or otherwise, for so doing shall be, and the same are hereby prohibited as dangerous to the peace and security of His Majesty's liege subjects, and of his Government, and every person who shall be present at or attend any such meeting or assembly for the purpose of drilling any other person or person to the use of arms, or the practice of military exercise, movements, or evolutions, or who shall train or drill any other person or persons to the use of arms, or the practice of military exercise, movements, or evolutions, or who shall aid or assist therein being legally convicted thereof, shall be liable to be transported for any term not exceeding seven years, or to be punished by imprisonment not exceeding two years at the discretion of the court in which such conviction shall be had; and every person who shall attend or be present at any such meeting or assembly, as aforesaid, for the purpose of being, or who shall at any such meeting or assembly be trained or drilled to the use of arms, or the practice of military exercise, movements, or evolutions, being legally convicted thereof, shall be liable to be punished by fine and imprisonment not exceeding two years, at the discretion of the court in which such conviction shall be had."

He did not think he need apologise for the length of his quotations, for they practically embodied the arguments he wished to lay before the Committee. The general law which had been applicable to the whole of the United Kingdom had not been found sufficient to meet the case of Ireland, and it had in late years been found necessary to pass

the Peace Preservation Act and the Crimes Act, with the provisions of which most hon. Members were, no doubt, familiar. It was essential, then, they should consider what powers were to be conferred on the new Legislature. He protested against the argument put forward in some quarters that they must trust that Legislature not to repeal any of these Acts. They were trying diligently to find out the real and true meaning and effect of the Bill before them. He saw nothing to prevent the Irish Legislature, the very day after it came into existence, passing an Act to this effect—

“From and after the passing of this Act all the laws hitherto prevailing in Ireland, whether statutory or unwritten, shall be, and the same are hereby, repealed.”

He contended that such an Act would be valid, except to the extent that the powers were expressly reserved in the present Bill. He put it to the Solicitor General whether the Bill as it now stood would not confer the full power that he had indicated? Then how essential it was that they should ascertain exactly what powers were being reserved. If he understood what was meant by Imperial powers in the minds of the framers of the Bill, it was that there were some subjects which were so bound up with the welfare of the whole State that no law could be passed as to those subjects in regard to one portion of the State, without interfering with the whole well-being of the United Kingdom. If that was not their meaning, he did not know what was. Now, he put it to the Government, did not his Amendment embody a subject which was essentially Imperial? The subject of “armed forces” was, undoubtedly, an Imperial matter, and ought to be excepted in the Bill. That subject was dealt with last night. Then what about illegitimately-drilled and armed forces? Had the Government never heard of “athletic clubs” or of illegitimate drilling, and if the laws he had alluded to were abolished, would there be anything to prevent illegitimate associations meeting throughout the whole of Ireland, drilled, possibly, by skilled men from America, and requiring only arms to make them a permanent hostile force in the country? He hoped that the Government would accept his Amend-

ment, and, in moving it, he would only say, in conclusion, that if the Committee did not accept it, then much of what passed yesterday with reference to armed forces did not bear the full meaning that he thought it was meant to bear.

Amendment proposed,

In page 2, after the word “or,” in line 1, to insert the words “carrying and using arms, armed associations, and associations for drill or practice in the use of arms, or.”—(*Mr. Byrne.*)

Question proposed, “That those words be there inserted.”

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar) said, he had listened to the speech of his hon. and learned Friend with great attention, and he had noticed that the arguments adduced in support of the Amendment had failed to show the relevancy of the words which the Amendment proposed. The first words, which related to the carrying and using of arms, must cover a vast field, and those matters must necessarily be left to any Local Government. If they were limited to carrying and using arms for military purposes, that would be a very different matter. Similarly, with regard to armed associations, it would not be a very difficult matter to make a limitation. But associations for drilling and use of arms did not necessarily point to military forces at all. That was far too wide a matter, and it was useless to put on the Paper an Amendment couched in such vague and general language. The hon. and learned Member had referred to the Statute of Northampton, to 60 Geo. III., and 1 Geo. IV. But let them take the last Statute. Could anyone doubt from its title that it dealt specifically with cases of drilling for purely military purposes? But he was authorised to tell his hon. and learned Friend that the Government would consider carefully, certainly not these words, but words which would remove the doubt the hon. Member and others might entertain as to whether there was a gap, which, however, the Government did not consider there was. It would be impossible to take away from the Local Government the right or duty to control the use of arms, as, for instance, under a sporting licence; but even that would be covered by the vague and general words of the Amendment. It would obviously be mischievous to

impose such a function upon the Imperial Parliament when it was the proper duty of the Local Government, and ought, therefore, to be entrusted to the Irish Legislature. One of the main objects of the Bill was to prevent the constant and unnecessary interference of the Imperial Parliament in purely Irish affairs, and to put an end to the perpetual complaints from Ireland that such-and-such legislation was necessary, and surely this question of the carrying of arms was one which might properly be entrusted to an Irish Legislature. The hon. Member's object would be, to a great extent, nullified if the words of his Amendment were accepted. It might be necessary, in an emergency, to make laws at once prohibiting the use of arms, and yet the powers of the Irish Legislature in this matter would be entirely cut off, and they would have to come to the Imperial Parliament. All that could be reasonably asked for would be the insertion of appropriate words for the purpose of preventing the establishment of armed associations, and associations for drill or practice in the use of arms for military purposes.

COLONEL NOLAN (Galway, N.) said, he was very reluctant to interfere in this Debate, because, in common with other Irish Members, he was aware that if they abstained from talking the Opposition would take three months to deal with the Bill, while if they did talk the period might be extended to six months. The Government had already made large concessions with regard to the Militia and to the Volunteers, and they were now asked to make concessions in relation to the Royal Irish Constabulary. Indeed, there was a danger that if some of these concessions were made every county in Ireland would be placed at the mercy of half-a-dozen armed burglars. And what had been the result of the concessions made? Had they been thanked for them? No; the Leader of the Opposition had said that they had been extorted. He wished that a stop could be put to the everlasting flood of wishy-washy talk from hon. Gentlemen on the Opposition Benches and from hon. Members on Benches below the Gangway opposite. He did not make this a general charge; he knew that hon. and right hon. Gentlemen could speak very well when they liked; but it was impossible that right

hon. and hon. Gentlemen could speak 10 times on the same subject without coming under this criticism. The Solicitor General had spoken very sensibly, as he always did on legal subjects, but he had not gone far enough. Did the Government wish altogether to forbid the use of rifles and the existence of rifle clubs in Ireland? Were they going to draft such an Amendment as would emasculate the Irish people and make them an absolutely unwarlike people? What the Amendment proposed was not done in France, in Spain, in the United States, in Germany, or in any country in the world where the population was practised in the use of arms, and why was Ireland to be picked out in this way? It did not make people rowdy, troublesome, or dangerous if they learned the use of the rifle; on the contrary, it made them peaceable, and in the Middle Ages people were punished if they did not practise with arms. They were obliged to have the appliances of archery in their houses, and to practise on so many days in the year. That was what had built up England. The Amendment, if carried, would put the Irish people in a very unfair position; it was absolutely and totally unnecessary, as the Lord Lieutenant under the Bill, as it stood, would be able to veto any Arms Act. Let them not, in giving Home Rule, accompany it with an insult to the Irish people.

MR. J. CHAMBERLAIN (Birmingham, W.): The hon. and gallant Gentleman commenced his speech by referring to what he was pleased to call "wishy-washy speeches" made on the opposite side and from this Bench. With all respect to the hon. and gallant Gentleman, I think the Committee will feel that wishy-washy speeches are not exclusively confined to the Benches which we occupy. Although I do not attach very much importance to the actual words of the hon. and gallant Gentleman, I do attach a great deal of importance to his attitude on the present occasion, which I think the House would do well to note, because it will be recollected that on the previous night, for the first time in the history of the Bill, the Government made some concessions to the Opposition. They were not very important concessions, but I, for one, highly appreciated the spirit in which they were made, and I am convinced that if the same spirit

continues it will materially assist the quicker progress of the Bill. But thereupon, although these concessions were very slight in themselves, and were the very least that might be expected by an Opposition so numerous, the very moment the Government showed the slightest sign of meeting the arguments of the Opposition up gets one of the Irish Representatives, and his speech contains a distinct menace. For what does the hon. and gallant Gentleman say to the Government? In effect this—"If you will continue to discuss this Bill, and make no concession to the Opposition, you will get your Bill in three months; but if you are going to make any concession, however slight, we Irish Members, who have hitherto remained silent, will have to take up your time for six months."

COLONEL NOLAN: I said nothing of the kind. I held out no threat of any kind. What I did say was that the Bill would take three months if the Irish Members did not talk, and that it might take six months if they did talk.

MR. J. CHAMBERLAIN: I will admit that what the hon. and gallant Gentleman said was not a menace, but merely an indication of the possibility that, if it becomes necessary for the Irish Members to talk, the Debate, which may otherwise take three months, will occupy six months. In any case the fact remains that the Irish Members, who have remained consistently silent during 12 or more nights of this Debate, are now beginning to talk at the very first sign of the slightest concession on the part of the Government to the arguments advanced by the Opposition. I will, however, leave the speech of the hon. and gallant Member, and come to the Amendment. The Solicitor General does not approve of the Amendment, and I think myself that possibly the wording of the Amendment goes a little further than would be necessary for the purpose. I am justified in inferring from the speech of the Solicitor General that the Government do not mean to allow the Irish Parliament to legislate on the subject of associations for drill or practice in the use of arms. If they did, it is as much as to give them a free opportunity to form a force which may not be in name a Volunteer force, but it would be to all intents and purposes an armed force which might be improperly used. I

understand the Solicitor General is inclined to admit there is a gap in the Bill; the Government do not think there is. But if there is, what is necessary in order that the discussion may be brought to a close would be an assurance from some Member of the Government that they would at a future date introduce words to fill up the gap which we believe exists, and which would enable the Irish Legislature to pass laws which would permit and authorise associations for the purpose of drilling or practice in the use of arms.

MR. J. MORLEY: The interpretation which the right hon. Gentleman has put upon the words of the Solicitor General is a perfectly correct interpretation. It is quite clear that as the Amendment is drawn it is impracticably wide. There is not a gentleman on either side of the House, whatever his views may be, who will, for a moment, think that it would be possible to prohibit the Irish Legislature from making provisions such as are incorporated in the Arms Acts. These are provisions which are really police regulations, and it would be absolutely impracticable to debar the Irish Government from making regulations and laws in relation to matters of that kind. But the limitation to which the right hon. Gentleman pointed was that indicated by the Solicitor General where he said the Government were prepared—though we think that object is already gained by the words of the Bill—to debar the Irish Legislature from making laws with reference to the carrying or using of arms for military purposes, or for forming or authorising or legalising the formation of associations for drill or practice in the use of arms, not in the way indicated by my hon. and gallant Friend, but for military purposes. That, I believe, is what is contended for, and that is what we intended in the use of the words "military force" in this clause as it stands, and we offer either to bring up words of our own for attaining that object, or to accept the limitation upon the words in the hon. Member for Essex's Amendment limiting their prohibition exclusively to armed associations and to the using of arms for military purposes.

MR. A. J. BALFOUR: I am sure we are grateful for the concessions which the Government make to us. I may say,

however, for the consolation of hon. Members below the Gangway representing Nationalist constituencies, that the Government have themselves carefully explained, both last night and to-night, that every concession they made was merely in the matter of drafting, and that, in their view, the Bill, as originally framed, carried out all the Amendments which they had since accepted. But there is more to be said with regard to the present Amendment than perhaps the right hon. Gentleman who has just sat down recognises. He is anxious to limit the Amendment on the words he is going to bring up in substitution of the Amendment to purely military matters. It has never been thought possible to regard the carrying of arms in Ireland as a purely local matter. In 1881 an Act was passed under the Government of the Prime Minister amending the law relating to the carrying or possession of arms in Ireland. That Act provided that in proclaimed districts persons should not carry or own arms or ammunition save as authorised in the conditions set forth in the Proclamation. That Act expired in 1886, and was renewed without protest.

Mr. T. M. HEALY: It was not renewed without protest.

Mr. A. J. BALFOUR: Well, the protest was of the very mildest character. It was again renewed in the Expiring Laws Continuance Act of last year. Therefore, I may take it that ever since 1881 it has been recognised on both sides of the House—by an Anti-Coercionist Government, as Ministers call themselves, as well as by a Coercionist Government, as they call us—that there should be a special Arms Act, by which the Irish Administration should be empowered to say that in certain districts arms should not be carried. It has been recognised by all Parties in the State that such an Act was necessary.

Mr. J. MORLEY remarked that the Irish Members divided against the Arms Bill of 1886.

Mr. A. J. BALFOUR: Yes; but when hon. Members below the Gangway object to anything in the nature of coercion they do something more than take Divisions. It is, therefore, evident that their protest was of the very mildest character. I ask whether, under these circumstances, that being the view of Her Majesty's Government and

of those who support them, it is not evident that the question of the carrying of arms in Ireland is not one that may safely be left in the hands of the Imperial Parliament, especially as in the Imperial Parliament the Irish Members will be represented? This question affects some of the great controversies which divides the population of Ireland. One of the reasons why the Arms Act—in effect a Coercion Act, so far as it went—was permitted to pass in 1886 was that Nationalist Members conceived it to be directed against Ulster, and I believe the Chief Secretary will not deny that in the legislative course which he then pursued he was as much influenced by considerations connected with Ulster as by considerations connected with the South and West of Ireland. If I am right in saying that the question of carrying arms is much more than a mere police regulation, if it affects the great divisions in the religion and politics of the population in Ireland, is it not legitimate, and politic, and fair that it should be decided by the Imperial Parliament, where Ireland will be adequately represented, rather than that it should be handed over to the decision of the Irish Legislature where the minority, whether in the South or in Ulster, might feel themselves oppressed by the action of a purely partisan Nationalist majority? For these reasons I would earnestly urge the Government to add to the concession they have already previously made another retaining for the Imperial Parliament powers which the Imperial Parliament by their own practical avowal has used, and used wisely, during the last 11 years under both Governments and both Parties.

Mr. SEXTON: The right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) has taunted us with consistent silence. For sufficient reasons we desire to be silent unless when it is necessary to speak. We are aware of the unconstitutional nature of the enterprise in which the right hon. Member for West Birmingham and his confederates are engaged in reference to this Bill. They have avowed that their object is to destroy the Bill. [*Opposition cheers.*] That avowal is cheered. They endeavour to destroy the Bill under the hypocritical cover of moving Amendments to improve it. They are not ashamed to declare that their object

is, under cover of the Forms of Parliament devised for the progress of Business, to defeat the solemn judgment of the electors of this Kingdom, and to reduce this House itself to helplessness, impotence, and contempt. Sir, for this reason we do not speak upon the Bill, because we do not desire to abet a Revolutionary Party. Certainly the Unionist Party, so far as my reading goes, is the first Party in the Parliamentary history of England which endeavours to use the Forms of Parliament for revolutionary purposes, and it is in the most unmistakable sense a revolutionary purpose to use the Forms of this House for the purpose of preventing the House from carrying out the will of the electors of the country. These are our reasons for economising speeches. We do not desire to abet unconstitutional obstruction. I must say for myself that our consistent silence does not appear to give us any advantage in regard to facility for speech when we desire to speak. I rose three times last night on the Police Amendment, and I should have thought that when an Amendment of that importance was being considered a Member rising to speak on behalf of the Representatives of Ireland would have been heard before the Government delivered a reply in which they bound themselves by pledges. I was not allowed to intervene in the Debate, and the Police Amendment was agreed to without any Irish Member being heard. To-day I have risen twice on this Amendment, and I had to sit down, and I did think that an Irish Member speaking on behalf of the country concerned in the Bill would have been heard before the Minister replied. I rose again after the Minister, and I was not called upon, and I venture to submit to the Committee that it is inconvenient, and perhaps useless, for me now to speak after the case for the Amendment has been heard and after the reply of the Minister has been delivered, a reply which I take to be in the nature of a pledge. I ask the Committee and all reasonable men whether it is a convenient or useful method of debate to allow the Representatives of Ireland the liberty to intervene only after the Debate has been brought to a conclusion? Although, perhaps, it is rather late, it may not be quite useless for me to say that, in my judgment, this is one of the numerous Amendments

designed to destroy the Bill. I should not have thought, Mr. Mellor, that after the Committee had determined in Clause 2 the general groundwork of the Irish Legislature and to give it the power to make laws for the peace, order, and good government of Ireland, and thereby vesting the Government of Ireland under this scheme with responsibility for the peace, order, and good government of Ireland, that it would have been proposed to withdraw from the Government so responsible all power with regard to legislation with respect to the carrying of arms. I leave out of view altogether the carrying of arms for necessary purposes—for instance, the carrying of arms by farmers. The Amendment proposes to take away the power of dealing with armed associations or associations for drill or practice in the use of arms, and yet the Irish Government will be responsible for the peace, order, and good government of Ireland; and now, under the clause by which you purpose to deliver to them that power, you are considering an Amendment by which that Parliament and Government will have no power to deal with the carrying of arms. Surely, power to deal with the carrying of arms is a primary power, and necessarily a primary and fundamental power, with regard to the conservation of the peace, order, and good government of the country. I say the Amendment is incompatible with the main and fundamental principle of the Bill, and no rational person would let us accept responsibility for the peace, order, or good government of Ireland and yet have no control over the carrying of arms in Ulster or elsewhere. But this Amendment has a sinister aspect. This Amendment is the complement of the cowardly Ulster Plan of Campaign. The Leaders of the Unionist Party busied themselves, and are busying themselves at this present moment, in inciting the population of Ulster to disaffection and armed revolt in the event of the passing of this Bill. The late Prime Minister before he went to Ulster spoke of beating down the police, and since he went to Ulster he has witnessed military marches. Every day, in Unionist speeches and in the Unionist Press, we have boastings of the fact that the Orange and Unionist clubs in Ulster are armed and are engaged in arming themselves. These are the only

bodies, so far as I know in Ireland, which answer to the description of armed associations contained in the Amendment. Armed associations and associations for drill or practice in the use of arms are only to be found in the pet Province of the Party above the Gangway, in the Province which would be peaceful enough if let alone; a Province which, if let alone, would be willing enough to throw in its lot with the rest of Ireland, but which, by the interested and reckless incitements of active politicians, has been driven into a state of disaffection against the law. ["No, no!" and "What law?"] In regard to the spirit of loyalty to the Constitution, the question is just the same whether the incitement to resist the law which now exists, or one which Parliament is engaged in passing. In Ulster there are armed associations, in Ulster there are associations for drill or practice in the use of arms, and the Leaders of the Unionist Party go to Ulster to make speeches there, inciting men to arm, and stating in no cryptic language that these associations and arms are to be employed for revolt against the laws of the Queen in Ireland. The followers of the Unionist Party here complete the Plan of Campaign, and rise in the House and propose Amendments by which, when the Bill is passed and the Government of Ireland comes into existence, there shall be no power in the hands of the Government of Ireland to deal with the armed associations. The plan is half bluster and half cowardice—bluster in public places in Ulster, and cowardice in the House of Commons. I shall only express the hope, which I think is not a too sanguine one, addressed at least to the Government and the friends of this Bill in the House of Commons and outside, whether or not Members of the Unionist Party, from the ex-Prime Minister down, are within their right in inciting the population of Ulster to armed revolt, that, at any rate, it is not too sanguine to hope to expect that a majority of this House will not be found to give any countenance to any Amendment which, when the Government of Ireland comes into existence, and when these armed associations endeavour to revolt, shall render that Government impotent to reduce them to submission.

Mr. Sexton

THE CHAIRMAN said, he wished to explain to the hon. Member for North Kerry that he did not see him rise. Had he done so, he certainly should have called upon him. He hoped the hon. Member would understand that.

MR. BARTLEY: On a point of Order, Sir, is it in Order for an hon. Member to complain that he has not been called on by the Chairman?

MR. W. E. GLADSTONE: My hon. Friend the Member for North Kerry has just heard the explanation given by the Chairman of Committees; and on the part of the Government I desire certainly to say that, on all occasions when the Irish Members wish to comment on an Amendment to this Bill, it is right we should hear anything they have to state before any statement is made on behalf of the Government, and the intervention of the Solicitor General was not intended in any way to restrict the Debate. Now, Sir, it is clearly understood that as regards the question before us—namely, the Amendment of the hon. and learned Gentleman, we cannot accept that Amendment as it stands; and the only useful purpose the prolongation of the discussion can have is that the Committee may consider whether there is anything further that can or ought to be done to give effect to the words adopted with regard to military forces, and whether it would be desirable to remove from the cognisance of the Irish Parliament all powers of dealing in any manner with the use of arms by associations of the kind contemplated, which would be dangerous to the public peace. I understand the substance of the point raised on the opposite side of the House to be this—You are prohibiting the Irish Government from dealing with military forces of whatsoever kind; but there are associations which are not *ex professo* military, but which at the same time might have in view military purposes, and it would not be right that the Irish Legislature should have power to set up under another name what would be virtually a military force. That I understand to be the contention of the Opposition. But the Leader of the Opposition has gone even further than that, and contended that not only the establishment and regulation and development of these *quasi-military* institutions, so-called, but also the whole

regulation of the subjects connected with the use of arms, should be left to the Imperial Parliament. Against that my hon. Friend the Member for North Kerry made an argument in which there appears to me to be great force—namely, that, having authorised the Irish Legislature to make laws for the peace, order, and good government of Ireland, we have imposed upon it a great responsibility. Elements of disturbance will crop up from time to time in almost any society, locally or accidentally, and there ought to be the means of dealing with them. The right hon. Gentleman opposite said, “Leave that entirely to the Imperial Parliament.” I am not able to adopt that view. First of all, I have no answer to make to the hon. Member for North Kerry. If Parliament imposed on the Irish Legislature the responsibility of making laws for the peace, order, and good government of Ireland, it is unreasonable to absolutely disable and cripple it in its powers of dealing with this source of disorder. That seems to me a reasonable and strong argument. These dangers sometimes arise at very short notice. If I remember rightly, we had in a former Government with which I was connected a rather sudden emergency of an extremely dangerous movement of this kind in the county of Westmeath. There appeared a certain tendency, difficult to account for, a pestilential movement threatening human life and producing a crop of murders suddenly in Westmeath. That was met by an enactment of the Imperial Parliament. Suppose a similar occasion should arise in some county of Ireland not connected with a party association, but connected with the general interests of public order. It might arise very suddenly; it might arise when the Imperial Parliament would not be sitting, and it might arise when the Irish Legislature would not be sitting. The Viceroy could call together the Irish Legislature at a moment’s notice to deal with the occasion that might have arisen. He would have no power to bring the Imperial Parliament into action. I do not think it safe to refer the whole of these repressive means with reference to movements dangerous to public order to the exclusive responsibility of the Imperial Parliament. I do not believe that this House will, after Home Rule has been established, have

any great desire, except upon very strong necessity, to intermeddle in the internal affairs of Ireland. The Government are perfectly willing to join in restricting the Irish Legislature from creating and authorising action with respect to these semi-military or *quasi*-military institutions—that is, institutions of that kind formed for military purposes. But, with regard to these repressive enactments which the immediate necessities of public order may suddenly require, we cannot impose the duty of making laws for the peace, order, and good government of Ireland upon the Irish Legislature, and at the same time deprive it entirely of all repressive powers. What the Government are willing to do is this—they cannot accept this Amendment at a moment’s notice. It will be necessary, as has been suggested by the right hon. Member for West Birmingham, to consider some form of words which will consistently apply the principle of reserving the creation and the regulation of the military forces and of these *quasi*-military institutions to the Imperial Parliament. That might be met, I think, by the insertion of words in the Bill declaring that what the Government have in view is not any question connected with the use of arms for sporting, and, perhaps, not even for exercise—for it would be a very serious thing to stop proceedings of that kind—but for cases in which they might be addressed to military purposes. The general contention of the Government is that, while we think this is an appropriate matter for us to contemplate and deal with by some Amendment, that Amendment ought to be limited by showing, first of all, that we are dealing with these institutions when they are *quasi*-military, or when they are contemplated or used for military purposes; and, further, that it should be so framed as in no way to interfere with the legitimate powers of the Irish Legislature for maintaining public order, and putting down the action of disturbing powers which may appear under exceptional circumstances in any quarter of the country.

COLONEL SAUNDERSON (Armagh, N.) said, that the slight difference that appeared to have arisen between the Prime Minister and the majority which retained him in Office below the Gangway was entirely owing to the fact that

hon. Members below the Gangway had refused to sit behind the right hon. Gentleman. If they had been nearer to the right hon. Gentleman they might have taken sweet counsel together. The right hon. Gentleman's main objection to this Amendment was that it would place the Government of Ireland at a disadvantage if a sudden emergency should arise by reason of the time it would take to summon the Irish Parliament.

MR. W. E. GLADSTONE : No ; the British or Imperial Parliament.

COLONEL SAUNDERSON said, that up to the present time at any rate, the British Parliament had had considerable success in dealing with Ireland, as was proved by the peaceful condition in which the Unionist Government left that country; and if any sudden necessity should arise he did not see that there would be any difficulty in the future in summoning the British Parliament in the same way as had been done on former occasions. So far as he could make out, the right hon. Gentleman had pledged the Government to introduce certain words at some future stage of the Bill dealing with the power of the Irish Parliament to create an armed police force ; and he apparently considered that if some clause, or some addition to a clause, were inserted which would prevent the future Irish Government from creating a force of a similar character to the Irish Parliament, that would be sufficient to prevent them from creating in Ireland a military force.

MR. W. E. GLADSTONE : I did not say so. I said we were willing to insert words to prevent them from creating *quasi*-military associations such as are enumerated in this Amendment.

COLONEL SAUNDERSON said, he did not quite understand what the right hon. Gentleman intended to do ; but if the right hon. Gentleman consented to accept the Amendment he had no more to say. The principal point of this Amendment was that it proposed to prevent the Irish Parliament from creating armed associations. Armed associations and associations of a *quasi*-military character appeared to him to be exactly the same thing ; and, therefore, he did not think that the arrangement entered into by the right hon. Gentleman with the right hon. Member for West Birmingham would be of very much value. The hon. Member

for North Kerry had accused the Ulstermen of being cowards. He did not know why they should be regarded as cowards in Ulster. Ulster differed from those Provinces with which the hon. Member was closely connected, for there they did not shoot people from behind hedges, or carry out the laws of the League by houghing cattle, firing into dwellings, or burning hayricks. Therefore, it was probable that the ideas of courage entertained by the hon. Member for Kerry and by the men of Ulster were diametrically opposed to one another. They in Ulster had not the courage to perform the acts to which he had alluded.

MR. SEXTON : The Queen's Island ?

COLONEL SAUNDERSON said, the hon. Member has also said that the Ulster Party were a Revolutionary Party. The usual idea of a revolutionist was that he was a man who proposed, by violence if necessary, to pull down the institutions of the country.

MR. SEXTON : The House of Commons.

COLONEL SAUNDERSON said, they (the Ulster Party), on the contrary, desired, and intended, to maintain intact the institutions of this country under which they had thriven. The hon. Member also said that they were rebelling against Parliament ; but he was going a little too quick, for this Bill had not passed yet. The hon. Member also said that they were standing opposed to the will of the people. What people ? The Prime Minister himself appeared to forget that the British people were on the side of the Irish Unionists, and that he was maintained in Office and had only the opportunity of bringing forward this Bill by the support of the Irish Party. [*Cries of "Order !"*]

THE CHAIRMAN : I hope the hon. and gallant Member, having replied to the hon. Member for Kerry, will confine himself to the Amendment.

COLONEL SAUNDERSON said he had quite finished with the hon. Member for Kerry. Turning to the Amendment, and looking to what the character of the future Irish Government would be, and to the Acts that it would be likely to pass—for it would be a Land League Government, and they knew how the Land League had dealt with arms in past time—the Irish Unionists considered this Amendment would be a fair one, and

would curb the action of the Irish Parliament, to which they objected. The first Act that the Irish Parliament would pass would be a disarmament Act. Most eloquent speeches would be made in the Irish Parliament declaring that the union of hearts had dispelled all old antagonisms, and that it would be a blessing for Ireland if all arms were taken away, and the people were left with their spades and shovels—and possibly their blackthorns. The Prime Minister would point to this as a proof of the success of his legislation; but what would be the result in Ireland? They had a taste of a disarmament Act 200 years ago in the time of Tyrconnel, when the arms were all taken from the Loyalists and left to the other side. What would inevitably happen, from the constitution of this Irish Parliament, in which the Loyalists would have no voice, and of this Government in which they would take no part, would be that in Ulster there would be no arms—if Ulster allowed it. The Parliament would take a dispensing power to deal with the various parts of Ireland; and the inspection for arms in Ulster would be most microscopic. The law-abiding population, which had all along opposed this infamous Land League conspiracy, would be at the mercy of their enemies. Knowing, as the Prime Minister did, the history of the Party opposite, and of the Land League which he so long confronted, he asked him whether it would be safe to hand over the law-abiding population in Ireland to men who had declared over and over again on public platforms that in the days of their power they would remember those who had opposed them. If anything like fair play was intended by the Government—and he did not believe it was—they would reserve this question of arms to the Imperial Parliament, where the question could be fairly debated by British and Irish Members. The Amendment would allow every opportunity to the Irish Government, if they acted rightly, of carrying on the good government of the country, without placing in their hands a weapon which they would inevitably use for the destruction of their political opponents.

Mr. WYNDHAM (Dover) said, it might be inconvenient to Members below the Gangway that the Government should

make a series of concessions without embodying one under any definite promise. It was difficult to estimate what the concessions of the Government really meant. The Prime Minister was perfectly lucid in explaining his intentions; but his explanations were quite distinct from those made by the hon. Member for Kerry. Did the Government, like the hon. Member for Kerry, contemplate the possibility of a Legislature, composed of men of only one of the two opposite races and creeds in Ireland, being not only allowed, but called upon to make an armed interposition in the event of a grave social difficulty, such as the occurrences in West Meath, to which reference had been made? The hon. Member for Kerry said there were armed associations at present in the North of Ireland, and that men were now drilling there—

Mr. SEXTON: I said the boast has been made. I do not know whether there are or not.

Mr. WYNDHAM said, the hon. Member had told the House that there were men armed and drilling in Ulster. These men belonged to one race and one religion. In the West of Ireland they had another race and another religion, which would be allowed by this Legislature to deal with arms. Were they to understand that they would be able to interpose with arms in Ulster?

*Mr. T. W. RUSSELL (Tyrone, S.) said, he would like to see how the decision of last night bore upon the present discussion. The discussion last night ran in the direction of preventing any resurrection of the Constabulary as an armed force. The Government plainly said that there should be only a local police force in Ireland, and that no *quasi*-military force should be called into existence under the control of the Irish Parliament. What, then, was their position? Unless the present Amendment were accepted, it was admitted that the Irish Government would be able to arm certain associations and drill them. Everyone knew that the Gaelic Athletic Clubs in Ireland were political associations in everything but in name; and in a month they could be armed and would become an effective force.

An hon. MEMBER: Bosh!

Another hon. MEMBER: They are football clubs.

*MR. T. W. RUSSELL said, nominally football clubs, these associations were the successors of the Fenians. What was intended by the Irish Party? It was plain that what was intended was the coercion of Ulster. The Government feared the odium of moving British troops against Ulster; and therefore they wished to give the Irish Parliament power to have an armed force of their own. The hon. Member for Kerry had charged the Opposition with acting un-Constitutionally in obstructing a Bill which had been decided upon by the House and the will of the people. The hon. Member's own Leader, the hon. Member for Longford (Mr. Justin M'Carthy), in his *Life of Sir Robert Peel*, published last year in the "Prime Minister" series, absolutely defended the obstruction of that time, on the ground that no Government ought to be able to rush a Bill through the House of Commons about which the country was not certain. There had been no obstruction of the Home Rule Bill, and the best proof of it was that the Government had accepted four or five Amendments only yesterday. If the Prime Minister's argument was good for anything, it was good for the Irish Parliament having an Army under its control.

MR. W. E. GLADSTONE: I distinctly stated that I wished to prevent any such thing.

*MR. T. W. RUSSELL said, the right hon. Gentleman drew a distinction between an armed and a military force. That was a distinction he (Mr. T. W. Russell) declined to draw.

MR. W. E. GLADSTONE: All that I have said has been directly contrary to the Irish Legislature being allowed to establish any armed forces. Not a word of the hon. Member's speech which has referred to me has had the smallest approach to correctness.

*MR. T. W. RUSSELL said, if that were so, how was it that the Prime Minister did not consent to accept the Amendment?

MR. COURTNEY (Cornwall, Bodmin) said, he desired to take up the discussion at the point at which it was left by the Prime Minister. The right hon. Gentleman went a long way towards meeting the principle of the Amendment. If he went a step further he would put an end to the discussion. Of course, there was great ground for hesitating to accept any

proposition made on the spur of the moment; but both the Prime Minister and the Solicitor General had expressed in very clear language what they were ready to assent to. He would submit to them a very short form of words which would be found not to go beyond their declarations, and which they might accept. By accepting these words they would—at all events, for the present—settle the question in principle, and leave to a later stage any necessary revision or modification of phraseology. What he proposed instead of the Amendment, which he admitted went too far, was that the Government should accept these words—

"The forming, organising, or authorising of any armed associations or associations for drill or practice in the use of arms."

MR. SEXTON said, he emphatically objected to the introduction into the Bill on a subject of such importance of any words hurriedly framed, and he respectfully submitted to the Prime Minister that all words proposed to be put into the Bill should be placed on the Paper.

MR. TOMLINSON (Preston) pointed out that the Amendment had been weeks on the Paper, and said the Committee had a right to complain that the amending words of the Government had not been put down some time ago.

MR. A. J. BALFOUR (Manchester, E.): I think there is a great deal in what my hon. and learned Friend has just said, but I do not propose to go into that. I understand the position to be this: The Amendment deals with two entirely different questions, that of raising a military force and that dealt with under the Whiteboy Acts and the Act of 1881. The Government are prepared to put words down on the Paper dealing with the first of these subjects, but they are not prepared to make any concession on the second. As far as we are concerned, while we are grateful to the Government for the concession they have made, we attach the greatest importance to the second portion of the Amendment. But I think we have, perhaps, threshed out the question adequately; the division of opinion is now quite clear, and I would suggest to my hon. and learned Friend that he should go to a Division on his Amendment on the ground that the first part of it ought to be inserted in the Bill.

Mr. MACFARLANE (Argyll) suggested that it might be possible to meet the difficulty by fixing a very small number of men and allowing them to be drilled for dealing with local disturbances.

Question put.

The Committee divided :—Ayes 245 ; Noes 283.—(Division List, No. 108.)

COLONEL LOCKWOOD (Essex, Epping) moved the addition of the words, "The manufacture or sale or purchase of arms and munitions of war, or of explosive substances." He said he confessed he was suspicious of the intentions of the Nationalist Members, and he thought his suspicions had been fully brought out by the Debate which took place on the previous day. If his suspicions were ill-founded no one would more gladly recognise than he would that he had been wrong. He made no pretence that he was not bringing forward the Amendment in a Party sense. He introduced it as a Party man ; and because he feared that if no such Amendment were adopted there would be danger in the future to the Loyalists of Ireland. There would, he thought, be an equal danger to the followers of the Nationalist Members. Unfortunately, for some time past, the Irish nation had been addicted to the illegal use of firearms, and, for the purpose of preventing this, the Act of 1881, which did not expire until December next, contained strong provisions for preventing the purchase of arms. He thought that if crimes were committed whilst the present prohibition was in force they would be much more numerous if the prohibition were withdrawn. If no such Amendment as he proposed were adopted, the Irish Parliament would be able to prohibit altogether the importation into the North of Ireland of arms manufactured in the South. There would be nothing to prevent them from manufacturing arms in the South and prohibiting their importation into the North. And if words like these were not inserted there would be nothing to prevent arms manufactured in the South of Ireland being exported to countries on the brink of war with England, and animated by hostile feelings to her. It was not too wild a statement to say that

the feelings that existed between the North and the South of Ireland were not very friendly, and if rifles could be distributed from manufactories situated in Ireland there would be not only a danger, but almost the certainty that what were now street brawls would become scenes of bloodshed. The riots which frequently attended Irish elections would become much more serious in their character. The principal object for which arms were required was that of repelling an enemy. The Imperial Government undertook to repel with its own Army any foreign enemy who might land in Ireland. Her Majesty's Government had said that they did not contemplate the establishment of a Volunteer Force in Ireland, so that the manufacture of arms for a force of that kind would be out of the question. But arms were also manufactured for export purposes. He did not think Her Majesty's Government would view with complacency the establishment of a factory in Ireland for that purpose. Then, again, arms might be required for illegal purposes, and it was principally to prevent that requirement being met that he had drafted this Amendment. As regarded the manufacture of explosive substances, they knew with what dire effect such power of manufacture might be used. They had seen crimes committed in Ireland with these substances, and it was to prevent the easy sale and purchase of explosives in that country that he wished to press the Amendment. It might be said that explosives were necessary for mining purposes. That was true, and to cover the use of explosives for that purpose he should be ready to accept Amendments requiring licences to be issued by the Home Secretary. But he believed that an unrestricted power of manufacturing or selling explosive substances in Ireland under the rule of the contemplated Irish Parliament would be disastrous in the extreme. If the Amendment were negatived, if the Irish Parliament were allowed to have this unrestricted power over arms, he did not think it would be difficult to answer the question as to where the manufacture of arms in Ireland would be situated. He thought that the manufactures, sale, or purchase of arms and munitions of war, or of explosive substances, might fairly be prohibited, at all events for some time after

the passing of the Act. They were frequently told by Her Majesty's Government that in the new Parliament matters would be very different to what they were now, and that a better spirit would animate the Irish nation. That might be the case in time to come; but he believed that for some years, at all events, it was very unlikely that the Irish character would go through such an extraordinary transformation as to allow the Imperial Parliament to safely entrust Ireland with the manufacture of such munitions of war as he had indicated in the Amendment.

Amendment proposed,

In page 2, after the word "or," in line 1, to insert the words "the manufacture or sale or purchase of arms and munitions of war, or of explosive substances."—(*Colonel Lockwood.*)

Question proposed, "That those words be there inserted."

*SIR J. RIGBY: I think the hon. and gallant Gentleman who has proposed the Amendment has been a little misled through the form in which Clause 3 of the Bill appears. He proposes that the Irish Legislature should have no authority to pass a law with regard to the class of subjects mentioned in the Amendment. What would be the result of adopting that? Not that the sale and manufacture would be impossible, but that it would be absolutely free from all restrictions—unless, indeed, the Imperial Parliament were called on to pass restrictions; and, if it did so, it would be a piece of meddlesome interference which must, of necessity, give rise to difficulties where difficulties need not exist at all. The class of subjects dealt with—I mean, first of all, the arms and munitions of war—will come under the general designation of contraband of war. I do not know that there are any countries on the face of the earth in which the manufacture of contraband of war in time of peace—meaning, thereby, the peace of the nation where the manufacture takes place—is or ever has been prohibited. It is practically an insulting suggestion—

MR. T. M. HEALY: That is why it is made.

*SIR J. RIGBY: It is an insulting suggestion to say that there should be an interference with the commerce and trade of Ireland which could only be

prompted by some of the old feelings of jealousy with regard to Irish trade which unfortunately prevailed in the past for so long. I venture to think that the Irish Government should be allowed to control and restrict its business. It ought to control the trade in arms and munitions of war, because it is a sort of trade that may require control. But to say that it should be prevented from making any regulations or passing any laws with reference to it would be equivalent to saying that on an important branch of their own exclusive trade the Irish Parliament, if they wished for legislation, must apply to the Imperial Parliament to pass an Act at a time, probably, when the Imperial Parliament would have its own work to do, and would pay no attention to the appeal made to it. I venture to think that the Amendment is not well conceived, and I am authorised to say that Her Majesty's Government must oppose it. As to explosives, we have had legislation with reference to them—legislation which, I believe, was extended to Ireland. What is the nature of that legislation? I have had some experience of these Acts, and I think I may say, without danger of being far wrong, that the sole object has been the prevention of accidents, and the passing of regulations, whether in regard to gunpowder manufacture, nitro-glycerine manufacture, or the manufacture of similar explosives—the legislation has been to regulate these manufactures for the benefit of the workpeople and the benefit of the neighbourhood in which the work is carried on. Why should not this matter be within the purview of the Irish Parliament? Why should that Parliament not, if it thinks it necessary, pass measures for the security of life and property in connection with the manufacture of explosives? This proposal seems a *reductio ad absurdum*, and a desire to break through the rule on which the Bill is founded, which rule is that Ireland should have control of matters affecting Ireland exclusively, and that the Imperial Parliament should interfere only in Imperial matters. That power of the Imperial Parliament cannot be given or taken away; but, at any rate, we should close the gate as far as possible to its interference by making a rational

distribution of the powers of the two Legislatures. I venture to think that the Amendment is radically wrong, and cannot be accepted.

MR. CARSON (Dublin University) said, he could not help thinking that the Solicitor General was under a misapprehension as regarded the meaning of the Amendment. He had spoken as if he had never heard of the Peace Preservation Act of 1881. Probably, being an Irish Act, he had not thought it worth his while to read it.

*SIR J. RIGBY: I had it in mind. I have read it and considered it carefully.

MR. CARSON: Then the hon. and learned Gentleman had made an extraordinary use of it, for he had said that if this Amendment were accepted and the Home Rule Bill became law, the manufacture, sale, or purchase of arms and munitions of war and explosive substances would be free and unrestricted in Ireland. The Act of 1881 prevented such manufacture, sale, or purchase.

*SIR J. RIGBY: Until the end of this Session of Parliament, and no longer.

MR. CARSON said, he was talking of the law as it existed at present. Was the Solicitor General prepared to announce that the Government were not going to re-enact the Peace Preservation Act? All he (Mr. Carson) knew was that in 1886, when they apprehended troubles in Ulster, they re-enacted it, and that last year they allowed it to be continued without a single word of debate. [*Cries of "Question!"*] This was in Order. The matter was important as regarded the particular question before the Committee, because if the Act was not to remain law they must place on the Paper Amendments to the Bill in order that effect might be given to it. As to the existing law, he could not accept the Solicitor General's observations as showing that he had authority to declare that the Act of 1881 was not to be re-enacted. In his (Mr. Carson's) opinion, so far from the matter being free, a Home Rule Government, if the Amendments were accepted, would be absolutely prevented, save under the terms of the Act of 1881, from manufacturing, importing, selling, or purchasing arms or munitions of war. Therefore, the first argument of the Solicitor

General fell to the ground. The hon. and learned Gentleman spoke of the proposal as putting a restriction on the ordinary trade and commerce of Ireland. But they had always had that restriction. They had it before the Act of 1881 was passed, and the question was now whether the House, with its eyes open, was going to allow the Irish Legislature to repeal what had always been the law. The hon. and learned Gentleman thought this Amendment would militate against the manufacture and sale of arms if carried on properly and injure the trade of Ireland; but the Amendment merely sought to continue existing restrictions. There was no interference with legitimate trade at the present moment, and the object of the Amendment was only to prevent the improper manufacture, sale, and purchase of arms and explosives. The hon. and learned Gentleman had, therefore, argued against the first part of the Amendment under an entire mistake as to the Peace Preservation Act. In relation to the question of explosive substances the Solicitor General had made a still more extraordinary proposition. One of the most amusing contentions he had ever heard put forward was that the Act passed by the right hon. Gentleman the Member for Derby when Home Secretary in reference to explosive substances was an Act to prevent accidents.

*SIR J. RIGBY: That Act did not deal with the manufacture of these things; but it made it criminal, under certain circumstances, to be in possession of them, and it involved additional penalties for their criminal user.

MR. CARSON: Just so, and such possession and such "criminal user" were not accidents. He remembered once being engaged in a criminal trial in Ireland which had reference to the shooting of a lady, and the prisoner always spoke of "the day when Mrs. So-and-so met with an accident." This very Act was passed by the right hon. Gentleman the present Chancellor of the Exchequer at a time when he, no doubt, was very much afraid of "accidents" as the result of the manufacture of explosive substances. The object of the hon. and gallant Member who moved the Amendment was to provide that the provisions of the Explosives Act should remain on the Statute Book, and to prevent the Irish Legislature from

repealing them. It seemed to him that this was a matter of considerable importance. The Explosives Act dealt with both England and Ireland, differing in that respect from the Peace Preservation Act, which only dealt with Ireland. Was that House going to give the Irish Parliament power to make a state of law in Ireland under which people could make dynamite in that country and have it in possession? In the Debates on the release of the so-called political prisoners the Irish Members had shown that they took a different view of the dynamite offences to that taken by the public of this country. Were the Government, then, going to enable these gentlemen to grant permission for the manufacture of dynamite? If so, let them declare it. The Opposition did not want in any way to restrict the powers of the Irish Government as they at present existed, either as to the manufacture or sale of arms or explosives; but they wanted, at any rate, as regarded these things for the people of Ireland, the same protection as that which had been given to the English people, and which the right hon. Gentleman the Chancellor of the Exchequer was so anxious formerly to obtain for himself.

SIR W. HARCOURT: I cannot refrain from the observation that, to my mind, the remarks of the hon. and learned Gentleman who has just sat down seem more fitted for the atmosphere of a Central Criminal Court than that of the House of Commons. No doubt the hon. and learned Gentleman finds indulgence in personalities very useful; but I will endeavour to find out something in the nature of argument in what he said. But I am afraid there is really nothing in what he has said. Of course, any Imperial Statute which the Imperial Government thinks fit to make after the Home Rule Bill is passed will apply to Ireland, and the Irish Parliament will have no power to set it aside. Everybody knows this, and I wonder that the hon. and learned Gentleman should have so small an opinion of the intelligence of the audience he was addressing as to make use of the arguments he put before us. What the hon. Member wants is that we should incorporate into the Home Rule Bill everything that is found in a Coercion Act. But the two things are not the same. The substance of his argument is

that this measure should take the form of a Coercion Bill. But it is not a Coercion Bill; it is not an Arms Bill, or a Crimes Bill, or an Explosives Bill. It is a Home Rule Bill. That all the provisions of the Home Rule Bill are not identical with the provisions of a Coercion Act is a thing which should surprise nobody. If there is any danger with reference to the dealing with arms or explosives in Ireland or elsewhere, the Imperial Parliament will always apply the legislation it considers expedient.

*MR. DUNBAR BARTON (Armagh, Mid) thought that no one who heard the speech of the hon. and learned Member for the University of Dublin could admit that the observations of the Chancellor of the Exchequer were justified. The right hon. Gentleman held that this Amendment should not be accepted because this was not an Explosives Bill. But were the words "treason felony" not to be inserted because this was not a Treason Felony Bill? Were they not to include anything about naval and military forces because this was not a Naval or Military Bill? When the right hon. Gentleman imputed to the hon. and learned Gentleman the Member for the University of Dublin the use of arguments which were answerable on the face of them, he should have been careful of his own arguments. The right hon. Gentleman, when he said that explosives were not to be inserted in the Bill because the measure was not an Explosives Bill, forgot that there were many special provisions in the measure, none of which were a whit more necessary than the provision contained in this Amendment. The then Chancellor of the Exchequer had said that this was not a Coercion Bill. The Chancellor of the Exchequer ought to have been present a few hours since, when he would have heard it stated directly and candidly by the hon. Member for North Kerry that there must be a central force in Ireland of some sort for the purpose of coercing Ulster.

MR. SEXTON: I did not say that. I never touched the question of an armed force. I said that the Government, being established for the peace, order, and good government of Ireland, must have power to suppress illegal and armed organisations.

*MR. DUNBAR BARTON said, that was his point. If the right hon. Gentleman the Chancellor of the Exchequer had been present he would have learnt that the hon. Member only wanted to substitute coercion on a large scale for coercion on a small scale. He was surprised that the Chancellor of the Exchequer sat still when he heard the Act he himself passed so, he would not say misrepresented, but misdescribed by the Solicitor General.

SIR W. HARCOURT : This Amendment deals with the manufacture of explosive substances. The Bill I introduced had to do with the improper use of explosives, not with their manufacture.

*MR. DUNBAR BARTON said, that, unfortunately, he held that Act in his hand. He would read a portion of it, and from this quotation hon. Members would see the necessity there was for carefully watching the exposition of laws they received from the Treasury Bench. They had heard supremacy described in such vague language that the feeble intellects of hon. Members of the Opposition were unable to grasp its meaning. But at last they had a statement they could grapple with—namely, that the Explosives Act did not deal with the manufacture of explosives. Well, Clause 3 of that Act spoke

"of any person who within Her Majesty's Dominions unlawfully makes or has in his possession any explosive substance with intent by means thereof to endanger life or property."

These words disposed of the Chancellor of the Exchequer's statement that the Explosives Act did not deal with the manufacture of explosives. It also disposed of the Solicitor General's suggestion that the Act aimed at preventing accidents.

*SIR J. RIGBY : I did not refer to that Act as dealing with accidents at all. I said plainly enough for those who would understand that in England, which I understood to include Ireland, with regard to the manufacture of explosives, the sole object was to preserve life and prevent risk to property. I did not refer to this Act at all, because I knew it was a Criminal Act and had nothing to do with the main subject of the Amendment—the sale and manufacture of explosive substances.

*MR. DUNBAR BARTON said, he wished to speak with the greatest respect

of the Solicitor General, who was one of the first British jurists, and therefore one of the first jurists, probably, in the world ; but he could not accept the hon. and learned Gentleman's statement. He (Mr. Barton) was in the recollection of the House. His (the Solicitor General's) attention was called to the Act passed by the hon. and learned Gentleman's Colleague in 1883. The hon. and learned Gentleman first referred to the Irish Acts and then to the English Explosives Act, which he rightly thought extended to Ireland. What Act did the hon. and learned Gentleman refer to if not to that Act ? The hon. and learned Gentleman defended the rejection of the Amendment on the ground that that Act dealt with accidents, and then he said it dealt with having possession only and not with manufacture. Clause 4 declared that

"any person who makes or knowingly has in his possession or under his control any explosive substance,"

and so on. Both the Solicitor General and the Chancellor of the Exchequer were wrong when they opposed the Amendment on the ground that the law, which the Opposition held the Irish Parliament should not have power to repeal, did not deal with the manufacture of explosives. The Irish Legislature, if this Amendment were not accepted, would have power to repeal the Explosives Act so far as it affected Ireland. He asked the Committee to remember that the Explosives Act was passed with special reference to Irish politics ; and would it not, therefore, be most unwise and most unsafe to enable that one part of the Kingdom for which the Act was specially designed to repeal the Act ? for it was certain that the Irish Parliament would repeal it on the first opportunity. It was an enactment which, above all others, the Nationalist Party abhorred. The Committee knew that the Nationalist Members had in that very Session of Parliament voted for the release of the dynamitards ; and he asked, was it safe for the Kingdom ? Was it safe for the people of London that the Irish Parliament should be given power to set up the manufacture of dynamite and explosives in Ireland if they wished to do so ?

MR. MACARTNEY (Antrim, S.) said, the Committee welcomed back the Chancellor of the Exchequer from Epsom

now that the Oaks was run. He was bound to say that two of the arguments of the Solicitor General in opposing the Amendment were very extravagant. In the first place, the right hon. Gentleman objected to the Amendment as an instance of trade jealousy. Was the right hon. Gentleman prepared to say that the Explosives Act of 1881 was passed by the House from motives of trade jealousy? It was absurd to suppose such a thing. The Act was passed to protect the lives of Her Majesty's subjects; it was passed for the purpose which the Prime Minister had said the Bill before the Committee was being passed—for the peace, order, and good government of Ireland. The Solicitor General also said that he could not accept the Amendment, because it was undue interference with the liberty of the Irish Parliament, and he referred to the objects covered by the Amendment as contraband of war. But that question was one of Imperial interest, which ought most undoubtedly to come under the cognisance of the Imperial Parliament. He could not conceive anything over which the Imperial Parliament should exercise supreme authority in Ireland than articles contraband of war. The argument of the Solicitor General showed how indistinct and confused the views of the Government were upon the limitations that were to be placed upon the prerogative of the Imperial Parliament in its relation to the future Irish Government. The Explosives Act could only come into operation in the case of an unlawful use of explosives and munitions of war, and it was because they apprehended that there would be such an unlawful use of them in Ireland that they desired to see this question reserved for the authority of the Imperial Parliament, and they could not accept the view of the Solicitor General that it was a question for the local administration in Ireland.

Mr. T. M. Healy rose in his place, and claimed to move, "That the Question be now put;" but the Chairman withheld his assent, and declined then to put that Question.

Debate resumed.

MR. GOSCHEN (St. George's, Hanover Square): I am not going to detain the Committee for any length of time. I should like to be clear as to the views of the Government on this matter. I hold that

if this Amendment be not accepted, it will be within the power of the Irish Parliament, under the 33rd clause, to repeal, so far as Ireland is concerned, the Explosives Act which has been passed by the Chancellor of the Exchequer himself. The 33rd clause is clear, I think, on that point. It says—

"The Irish Legislature may repeal or alter any provision of this Act which is by this Act expressly made alterable by the Legislature."

If we do not intend that the Irish Parliament should legislate with regard to explosives, why should not the subject be treated as being in the same category as the other subjects which are not to be dealt with by the Irish Government? The Amendment refers to the manufacture or sale of explosive substances. I think the Government may have recognised that it is especially directed against the criminal use of dynamite, and I maintain that, unless this matter is included in the excepted subjects, the Irish Parliament may set free the manufactures of dynamite in Ireland.

MR. T. M. HEALY: What about the veto?

MR. GOSCHEN: As to the power of the veto, I remember the subject of the Solicitor General. Here again is an instance of the troublesome interference of the Imperial Parliament. What objection, I ask, can the Government have to include the Explosives Act in the exceptions? With regard to the importation of arms and ammunition, which is not only a question of legislation, but also of administration, the Executive Government in Ireland will, under the Peace Preservation Act, retain the powers to make internal regulations as to the use and sale of these materials which at present are vested in the Lord Lieutenant under that Act. The Amendment will only prevent new legislation with regard to these matters. Why should the Government object to put this general Explosives Act—considering that it is an Imperial matter, and bearing in mind the extent to which this country is interested in the manufacture of dynamite in any part of Her Majesty's dominions—among the matters excluded from the purview of the Irish Parliament by the Bill? I hope we will get an answer to that question.

SIR WILLIAM HARCOURT : The Amendment goes to a totally different point to that which the right hon. Gentleman alluded. If you look at the Amendment you will see that if the Irish Parliament were of opinion that the provisions with reference to the use of dynamite in the arts or manufactures were not sufficiently extensive or satisfactory, this Amendment would absolutely prohibit them from passing any law to remedy those defects. It is quite plain, too, that if the Irish Parliament introduced a Bill for providing greater precautions in the use of dynamite, it would be at variance with this Amendment. That is absurd. If the Amendment were moved by the right hon. Member for West Birmingham, I could understand it, because it would secure Birmingham from competition in Ireland, and from that point of view it would be a very reasonable Amendment. I will answer directly the question that has been put to me by the right hon. Gentleman. I say that if the Irish Parliament were to endeavour to deal with such an Act as the Explosives Act, which I myself introduced, or with any other Act dealing with the use of arms and ammunition in Ireland in a manner which, in the opinion of the Imperial Government was dangerous, the Imperial Government would have absolute control over any such Bill endeavouring to repeal any such Act. We would say—"We will not allow the repeal of that Act or of that clause of that Act which in our opinion is dangerous to the present condition of things in Ireland." That would be a real use of the veto. Further, the Imperial Parliament would have power to make new legislation in the matter, which would be supreme in cases of this kind. But this Amendment would deprive the Irish Parliament of the legitimate use of a particular kind of manufacture in that country of which it ought to have the control in the same way as any other country, and I cannot, therefore, accept it.

Mr. T. M. Healy rose in his place, and claimed to move, "That the Question be now put;" but the Chairman withheld his assent, and declined then to put that Question.

Debate resumed.

MR. BUTCHER (York) said, that amongst the many statements of the Chancellor of the Exchequer to which he took exception was the statement that the Bill before the Committee was not an Explosives Bill. Considering the angry discussions to which the Bill had given rise, there was no adjective more appropriate than "explosive" to apply to this Bill, for it was really an Explosives Bill. With regard to the question of arms, he understood that the present law was that the Lord Lieutenant could make an order to restrict the sale of arms. He asked the Committee to consider whether the Act was necessary at the time it was passed. The Chancellor of the Exchequer had said it was a necessary Act, because it was his own Act, and, if it was necessary in the past, were not cases likely to arise when such provisions would be necessary in the future? He also thought that the exercise of the provisions which now exist should be vested in some responsible officer of the Imperial Government. They were told by the Solicitor General that to put such an Amendment in the Bill preventing the Irish Parliament from dealing with the subject of explosives would be useless and insulting. It would be no more useless or insulting than to prevent the Irish Parliament from dealing with the matter of an armed central police, which the Committee last evening had properly excluded from their province. When they brought forward matters of grave importance their arguments were not answered by being told by the Solicitor General that they proposed meddlesome interference with the powers of the Irish Parliament. There was another matter which, as he saw the Prime Minister present, he would like to have cleared up. That was whether it was the intention of the Government to revise the provisions of the Peace Preservation Act of 1881?

THE CHAIRMAN : Order, order! That question does not arise out of the Amendment before the Committee.

MR. BUTCHER said, he would not pursue the matter further; but before he sat down he should tell the Committee, as this question of explosives was under discussion, that a telegram had just been placed in his hands which had been received in Dublin, and which ran—

"An infernal machine has been found in the corridor of the Exchequer Court this afternoon."

MR. T. M. HEALY : Who placed it there ?

MR. J. MORLEY : Before there is any further controversy on that point, it is well to say that my information, at all events, is that it is believed to be a hoax.

Question put.

The Committee divided :—Ayes 254 ; Noes 294.—(Division List, No. 109.)

THE CHAIRMAN : The next Amendment, which stands in the name of the hon. Baronet the Member for the Handsworth Division, is out of Order.

MR. BRODRICK (Surrey, Guildford) moved to amend the clause by adding at the end of line 1, page 2, the words—

"The privileges and liberties of such portions of Her Majesty's armed forces as may, for the time being, be stationed in Ireland, or."

MR. T. M. HEALY : I rise to Order. I wish to submit that the Amendment is not in Order, as the 3rd section of the clause prohibits the Irish Legislature from making laws in respect of the naval and military forces or the defence of the realm. Is not this Amendment merely an expansion of that section ?

THE CHAIRMAN : I thought so at first; but, on further consideration, I find that the object of the Amendment is a totally different one. The object of the Amendment is to provide for the personal privileges and liberties of the soldier himself, and I think, therefore, it is in Order.

***MR. BRODRICK** said, that it was quite obvious that the words already in the clause dealt with the establishment and maintenance of military forces in Ireland by the Imperial Government ; but undoubtedly questions might arise seriously affecting the liberties and privileges of the military forces in Ireland, and it was to these his Amendment referred. He did not anticipate that there would be a serious difference of opinion between the Government and himself in this matter. He could not conceive that Her Majesty's Government desired that there should be any doubt as to the position of Her Majesty's forces in Ireland. He had understood, from a reply which had been given by the right hon. Gentleman the Secretary

for War to a question that had been put to him, that the possibility was contemplated that Her Majesty's forces in Ireland might be used in opposition to the Legislature and the Executive of Ireland. The Lord Lieutenant, in the exercise of his executive function, might use the forces, in the first place, at the instance of the Irish Legislature ; in the second place, he might use them at his own instance ; and, in the third place, he might use them at the instance of this House. In the last two cases the use of the forces by the Lord Lieutenant would be in direct conflict with the views and wishes of the Irish Parliament. The question then arose, would the Irish Legislature support the Viceroy in using the forces against themselves by upholding those liberties and privileges which the forces now enjoy.

MR. T. M. HEALY : I rise to Order. Is the hon. Gentleman saying one word relevant to any new matter not already covered by the Bill ?

THE CHAIRMAN : I agree that if the object of the Amendment was to provide for the use of the military forces it would be out of Order. But I understand the hon. Member is going to explain that it is the personal privileges and liberties of the soldier he means to protect.

MR. T. M. HEALY : On a point of Order. I desire to point out on this question of the personal privilege of the soldier, that the soldier in Ireland is under the Army Act, and consequently the Irish Legislature would have no power to interfere with him. Surely his rights, as a man, are not affected by the Amendment ?

THE CHAIRMAN : The hon. and learned Member must allow the hon. Gentleman to proceed.

***MR. BRODRICK** said, that the hon. and learned Gentleman had endeavoured to do on that occasion what he had frequently done before—namely, to make a speech in anticipation of that of the Mover of an Amendment. But he would make his own without any regard to the hon. and learned Member. The hon. and learned Member said the Army Act was the only Act in which the soldier was concerned. Had he forgotten the position of the British soldier under the Riot Act ? The Riot Act provided an indemnity for the

soldier when he was called upon to assist the Sheriff, or any legal officer, in the dispersal of a riotous assembly. That was the sole indemnity the forces would have when they were employed by order of the Viceroy. What would be the position of the British soldier in Ireland in case it pleased the Irish Legislature to declare—as they had power to declare by the Bill—that the Riot Act should only come into operation when it was put into force by the Irish Executive? The Viceroy might have to use the forces without regard to the wishes of the Executive. It was quite possible that under such circumstances the soldier would be deprived of the protection of the Riot Act in Ireland. What, then, would be the position of the soldier? He was protected in England by the British Act. Would he be protected in Ireland by the British Act? He would urge on the Government that that was a point on which they could not afford to have any doubt of the decision. There were many other matters with regard to which the Irish Legislature might interfere with the privileges and liberties of the British soldier in Ireland. For instance, they might forbid any man in uniform to enter public-houses in that country. He could conceive circumstances when the British Forces would have to be used against the Irish Government, and the Irish Government would take action against the forces. Boycotting of the British Forces was not altogether unknown in Ireland. During the last Parliament he had to reply to 100 or 200 questions relating to the discipline of the forces, the wearing of emblems, the employment of or obtaining stores from persons who were not in good odour with hon. Gentlemen below the Gangway. Yet the Committee were asked to believe that this feeling in Ireland would be altogether wanting hereafter. The words which he proposed would have the effect of preserving the privileges and liberties of the soldier exactly in the same way that they were safeguarded in this country, and would put it out of the power of the Irish Parliament to place the Army in a different position to that which it at present occupied. They had left it in the power of the Irish Legislature to indict the forces by resolution. It was most important that the Irish Legislature

should not interfere with the forces in any sense while they were engaged in Ireland.

MR. T. M. HEALY : I rise again to Order. I beg to submit that Clause 4, Sub-section 5, which precludes the Irish Legislature from making any law, whereby any person might be denied the equal protection of the laws, covers the point raised. I ask, is the hon. Member now in Order in supposing an enormous number of peculiarities on the part of the Irish people?

THE CHAIRMAN : That does not make it out of Order. I have excluded "powers" from the Amendment.

***MR. BRODRICK** said, he would not detain the Committee further. His observations had been extended by the interruptions of the hon. and learned Member, and were capable of indefinite extension under similar provocation. He desired the Government to give their serious attention to the matter. Any question which had to do with the *status* of the forces exercised a most exciting effect on British Army. The duties cast upon the soldiers of assisting the Civil power were never pleasant, and would be rendered highly dangerous if the soldier were not protected in Ireland, as in other parts of the United Kingdom.

Amendment proposed,

In page 2, after the word "or," in line 1, to insert the words "the privileges, and liberties of such portions of Her Majesty's armed forces as may, for the time being, be stationed in Ireland; or;"—(*Mr. Brodrick.*)

Question proposed, "That those words be there inserted."

SIR W. HARCOURT : I entirely agree with the hon. Member, that it would be extremely improper and unwise to raise any feelings of disquietude in the Army. But I do not quite understand the hon. Gentleman's remarks in reference to the Riot Act. According to my recollection of the Riot Act, the soldier only appears, as any other subject of the Crown, to preserve the peace. The hon. Member spoke of the action of the Viceroy, but putting the Riot Act into operation will not be the action of the Viceroy, but of the Magistrate on the spot, who will take measures as circumstances require. No apprehension need, therefore, arise as to that score. With regard to the second point, the hon.

Member fears that the Irish Legislature will do something to cripple the Army in Ireland. We assume that the Irish Parliament will be in possession of their common senses, and will, therefore, no more do this than they will do something to promote dynamite outrages. The hon. Member seems to assume that the Irish Parliament will be devoid of common sense, and will devote themselves specially to promoting dynamite outrages and to crippling the Army.

*MR. BRODRICK: That is not my point at all. My point is that the Secretary of State for War stated most clearly that there would be occasions upon which the Viceroy would use his own judgment as to the employment of troops, and would not be guided entirely by the Irish Executive.

SIR W. HARCOURT: But suppose he did. The Viceroy in that case will have in his hands the power of preventing the Irish Parliament from passing legislation which will have the effect of paralysing the British Army. I can only return the same answer as I have before given. If hon. Gentlemen opposite assume that the Irish Government will desire to do these things which are inconsistent with the safety of Ireland, it will be the duty of the Viceroy to prevent the Irish Legislature from doing acts of such folly. Hon. Gentlemen picture to themselves that the Irish Parliament is going to become a monster of folly. They want protection against this insane and criminal monster. That is the history of the whole matter. The Government do not make that assumption, and that is the difference between hon. Gentlemen and the Government. We assume that the Irish Legislature will act with common sense; hon. Gentlemen opposite assume that they will act with great folly and wickedness. But, even if the assumption of hon. Gentlemen opposite be correct, the Bill gives the Viceroy, as representing the Imperial Authority, power to prevent the acts being done. This is an answer to 99 out of every 100 questions raised, including the present Amendment.

MR. E. STANHOPE (Lincolnshire, Horncastle): I do not think the right hon. Gentleman is really conscious of the object of the Amendment. He does not seem to recognise that the soldier stands in an exceptional position. He spoke of the

Riot Act, and said the soldier was not in a different position from the civilian under that Act. That is so, with this important exception, that the soldier is ordered to go, in the performance of his duty, to assist the Civil Authority, and the civilian is not. The real truth is that the soldier in the performance of his duty might be placed—I do not put it higher than that—in an extremely difficult and unpleasant position. The soldier may be called upon, if this Bill becomes law, to do something directly in opposition to the views of the Irish Parliament, and we desire that to secure his rights and privileges under such circumstances. Efforts are being constantly made to raise the status of the soldier, and to make him be treated in every respect on a par with the civilian. We therefore desire to secure that no opportunity shall be given in Ireland to injure the status of the soldier.

SIR THOMAS LEA said, there was one point on which he desired information. It related to the powers of the Army in Ireland—

THE CHAIRMAN: The word “powers” in the Amendment has been ruled out of Order.

COLONEL KENYON-SLANEY (Shropshire, Newport) said, that on a matter of this kind, which immediately concerned the soldier, a soldier might be allowed to say a few words without even asking the leave of the hon. and learned Member for North Louth.

MR. T. M. HEALY: I only desire to keep you in Order.

COLONEL KENYON-SLANEY said, it was very difficult to continue the argument in consequence of the continuous and not very courteous interruptions of the hon. and learned Member. He understood that the Chairman had ruled “powers” out of Order; but he hoped an opportunity would be found at the right time for discussing the important subject of the relations between the Army and the Civil power when the Army was called out in aid of the civil power. He would confine himself to “the privileges and liberties” of the soldier, as the Amendment expressed it. He should confess that as a soldier he found it difficult to follow the Mover of the Amendment, for he was not aware what “the liberties and privileges” of the individual soldier were. But there

were "liberties and privileges" concerning not the individual soldier, but the Army at large. The one point on which he wished to lay stress was the important question of recruiting. Ireland had always been a great recruiting ground; and he hoped it would not cease to be such, even under Home Rule. Contingencies might arise—though he hoped they would not arise—under which objection might be raised in Ireland against the facilities for recruiting which had always been enjoyed in Ireland being continued; and he thought the matter should be safeguarded in some way under the Bill. He did not consider that he would be justified in dwelling upon such minor topics as travelling allowances and billeting, which were considered liberties and privileges of the soldiers. ["Order, order!"] He did not know from whom that cry came, but they found on the Front Bench opposite a singular liking to interrupt those who very seldom took part in Debate, but who, when they did, talked about matters they understood. He trusted nothing would be done which would at all interfere with the important work of recruiting.

Question put.

The Committee divided :—Ayes 249; Noes 289.—(Division List, No. 110.)

THE CHAIRMAN stated that the next Amendment standing in the name of the hon. Member for Chester (Mr. Yerburch) was out of Order. The Amendment was as follows :—

Clause 3, page 2, line 1, at end, insert,—“(4) Any judicial or executive officer to be appointed by the Imperial Government for the time being as hereinafter provided; or.”

Committee report Progress; to sit again upon Monday next.

NOTICE.

GOVERNMENT OF IRELAND BILL.

DR. MACGREGOR: I beg to give notice that if the discussion on Clause 3 of the Government of Ireland Bill is not concluded by half past 6 o'clock on Friday next I shall then move, under the provisions of Standing Order No. 25, "That the Question that Clause 3 stand part of the Bill be now put."

VOL. XIII. [FOURTH SERIES.]

ORDERS OF THE DAY.

PRISON (OFFICERS' SUPERANNUATION) (No. 2) BILL.—(No. 359.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Question proposed, "That Clause 2 stand part of the Bill."

MR. W. WHITELAW (Perth) said, that he should oppose this Bill unless the case of certain Scotch officers were dealt with. He was in communication with the Scotch Office with the view to the introduction of a Bill on the matter, and until such a Bill was introduced and advanced to the same stage as the present Bill, he felt compelled to object to the further progress of the Bill. He begged to move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. W. Whitelaw.)

MR. ASQUITH was sorry to hear the hon. Gentleman giving expression to such a threat. This was in no sense a Bill in which the Government had any interest whatever. It was a Bill which provided solely for the case of a certain gallant officer who had performed admirable service, but who, through some technical flaw in the Prisons Act of 1877, could not obtain the pension to which he was entitled, and it was in order to remove that flaw that the present Bill had been introduced. That was the whole scope of the Bill. Yet the hon. Gentleman, without any regard to the merits of the Bill, got up and said that unless the case of certain officials in Scotland were attended to—which had nothing whatsoever to do with the case of this gallant officer in England—he should stop the further progress of the measure. He ventured to say that such a course was an abuse of Parliamentary Forms. If the hon. Gentleman could show that any officers in Scotland were being unjustly treated, he was sure the matter would be remedied by the Scotch Office.

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MR. WHITELAW : There are three hon. Members who are supporters of the Government who entirely approve of the action I have taken.

MR. GIBSON BOWLES remarked that the virtuous indignation of the Home Secretary was somewhat thrown away, as the remedy was in his own hands. The Government had taken all the time of the House, and the right hon. Gentleman had only to put down the Bill as a first Order, and it would not be unduly discussed.

MR. ASQUITH said, he would not take any Division upon this Motion, but should throw upon the hon. Gentleman and those who acted with him the whole responsibility for blocking this Bill.

SIR HERBERT MAXWELL (Wigton) said, although the Home Secretary was a Scotch Member, he did not seem to be acquainted with the best method of conciliating opposition. Had the right hon. Gentleman condescended to make the explanation which he did without accompanying it by a rebuke, the hon. Member for Perth would probably have been more disposed to assist the right hon. Gentleman.

Motion agreed to.

Committee report Progress ; to sit again upon Friday next, at Two of the clock.

STATUTE LAW REVISION (No. 1) BILL. [Lords.]

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Question proposed, "That the Schedule stand part of the Bill."

MR. T. M. HEALY wished to ask the Government if they could not now solve the questions arising in Ireland regarding the display of the Union Jack ? This Schedule repealed certain portions of the Act of William IV. There were other sections of that Act, relating to the display of emblems, which had been a source of disturbance in Ireland, and he ventured to suggest that this opportunity should be taken to repeal them.

MR. ASQUITH said, the Act to which the hon. and learned Member referred was not in this Schedule, and it would perhaps be more convenient if the question were raised on a subsequent Statute Law Revision Bill, when there would be better opportunities for discussing it.

SIR MICHAEL HICKS-BEACH said, he had never heard a worse suggestion than to include controversial subjects in a Statute Law Revision Bill, from which they were invariably excluded.

MR. T. W. RUSSELL would oppose the introduction of any such thing in a Statute Law Revision Bill.

MR. ASQUITH said, all he had stated was, that if his hon. and learned Friend chose to raise the point upon a later Bill there would be more time to discuss the matter. He quite agreed that the Statute Law Revision Bills ought to be kept for their proper purpose.

MR. T. M. HEALY said, he would not think of making any such proposal as he had indicated unless it could be done with the general assent of the House.

Schedule agreed to.

Bill reported without Amendment ; Bill read the third time, and passed, without Amendment.

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 4) BILL.—(No. 319.)

Read the third time, and passed.

HOUSING OF THE WORKING CLASSES (EDINBURGH) PROVISIONAL ORDER BILL.—(No. 347).

Read the third time, and passed.

LOCAL GOVERNMENT (IRELAND) PRO- VISIONAL ORDER (No. 4) BILL.— (No. 345.)

Read the third time, and passed.

LOCAL GOVERNMENT (IRELAND) PRO- VISIONAL ORDER (No. 5) BILL.— (No. 346.)

Read the third time, and passed.

RAILWAY RATES AND CHARGES PROVISIONAL ORDER [CRANBROOK AND PADDOCK WOOD RAILWAY, &c.] BILL.—(No. 339.)

Read the third time, and passed.

PIER AND HARBOUR PROVISIONAL ORDERS (No. 3) BILL.—(No. 342.)

As amended, considered; to be read the third time upon Monday next.

PIER AND HARBOUR PROVISIONAL ORDERS (No. 4) BILL.—(No. 354.)

As amended, considered; to be read the third time upon Monday next.

METROPOLITAN POLICE PROVISIONAL ORDER BILL.—(No. 371.)

Read a second time, and committed.

OYSTER AND MUSSEL FISHERY PROVISIONAL ORDER CONFIRMATION BILL [*Lords*].—(No. 363.)

Read a second time, and committed.

FRIENDLY SOCIETIES' ACT (1875) AMENDMENT BILL.

On Motion of Mr. Howell, Bill to amend "The Friendly Societies' Act, 1875," ordered to be brought in by Mr. Howell, Sir Herbert Maxwell, Mr. Bartley, Mr. James Rowlands, Mr. Roundell, Mr. Henry Hobhouse, and Mr. Molloy.

Bill presented, and read first time. [Bill 381.]

CHARITY COMMISSIONERS (INQUIRIES) BILL.

On Motion of Mr. Alpheus Morton, Bill authorising the Charity Commissioners to inquire into Charities hitherto exempt from inquiry, and enabling the Councils of Counties and Boroughs to claim inquiries, ordered to be brought in by Mr. Alpheus Morton, Mr. Lloyd-George, and Mr. Spicer.

Bill presented, and read first time. [Bill 382.]

CONSOLIDATED FUND (No. 2) BILL.

Read the third time, and passed.

SELECTION (STANDING COMMITTEES).

SIR JOHN MOWBRAY reported from the Committee of Selection; That they had nominated the following Members to the Joint Committee on Electric Powers (Protective Clauses): — Mr.

Brunner, Mr. Forwood, Sir John Lubbock, Mr. Molloy, and Sir Bernhard Samuelson.

SIR JOHN MOWBRAY further reported from the Committee; That they had discharged Mr. Brunner from the Joint Committee on Canal Rates, Tolls, and Charges, and had appointed in substitution Mr. Philip Stanhope.

Report to lie upon the Table.

EVENING SITTING.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CIVIL SERVICE OF INDIA (EXAMINATION).—RESOLUTION.

*MR. PAUL (Edinburgh, S.) said, that in rising to move the Amendment which he had placed on the Paper he must at once disclaim originality both for the substance of the proposal and for the terms in which it was expressed. The proposal which he had now to bring before the House was brought forward in 1868 by the late Mr. Fawcett. The terms of his Amendment were derived from the Report of a Committee, appointed in the year 1858 by the Secretary of State for India, of which Sir John Willoughby was Chairman, and Mr. Mangles, Mr. Arbuthnot, Mr. Macnaghten, and Sir Erskine Perry were members. In the course of the Debate in 1868 Mr. Fawcett met with what he might call a sympathetic refusal of his request from Sir Stafford Northcote, who was then Secretary for India. He was opposed with very great vigour, in a speech of immense eloquence and power, expressed in the most picturesque and racy vernacular, by his right hon. Friend the Secretary for Scotland (Sir G. Trevelyan), who, if he might judge from the right hon. Gentleman's remarks on that occasion assumed, and perhaps with justice, that having written the Com-

petition Wallah, he had done as much for the natives of India as could be reasonably expected. He (Mr. Paul) felt that they stood at a great disadvantage in discussing subjects which had a bearing on the interests and welfare of India, because of the fact that the Secretary of State did not sit amongst them. Where Lord Kimberley was they did not know; at this hour of the night he was not even in another place; he was beyond their control, they could not even curtail his salary. He was sure that his hon. Friend the Under Secretary for India (Mr. G. Russell) would not think that he meant, by these remarks, to show any disrespect for him; he only wished his hon. Friend were Secretary of State himself, as he felt sure that the India Office would be most ably represented by him. What was the state of things existing at present, which his Amendment was intended to modify? On the 1st of August next, according to a notice that had been given by the Civil Service Commissioners, there would be held in London an open competitive examination for the Civil Service of India, for which all subjects of Her Majesty, now between the ages of 21 and 23, were at liberty to enter. As a matter of fact, the only subjects of the Queen, not resident in the United Kingdom, who desired to submit themselves to this examination were the natives of India, and they were expected, in order to have a chance of succeeding in that examination to come over to London, to remain such time as they might think necessary for the purpose of preparation, and, if they were successful to remain for another two years to undergo a period of probation. It would be observed that his Amendment only related to the preliminary competitive examination for the Civil Service of India. If it were carried, if the Government were to act upon it as they might without any change in the law, any natives of India who were successful in the preliminary examinations would be compelled to come over here and undergo the two years' preparation, and to improve themselves by associating with us, and acquainting themselves with our manners and customs as much as they did now; but they would not be obliged to submit to

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an expense which he (Mr. Paul) believed he might put at the figure of £1,000 to come over here and reside here on the mere chance of being declared by the Examiners qualified for places in the Indian Civil Service. He hoped the House would clearly bear in mind that he did not seek by his Amendment to exempt any native of India from the duty of coming to this country and qualifying himself by residence and study here if he were successful in the preliminary competitive examination. Perhaps he might be allowed, as it was really the foundation of his whole case, to read an extract from the Report of that Committee, which was presented to Parliament on January 20, 1860. The Committee said, in the second paragraph of their Report—

"We are, in the first place, unanimously of opinion that it is not only just, but expedient, that the natives of India shall be employed in the administration of India to as large an extent as possible consistently with the maintenance of British supremacy, and have considered whether any increased facilities can be given in this direction."

And then they made a quotation from an Act of Parliament, which showed that before the government of India was taken over by the Crown, even in the old days of the East India Company, the natives of India had a statutory right to an equal chance of employment in the administration of their own country with British subjects of the Queen. They said—

"It is true that, even at present, no positive disqualification exists. By Act 3 & 4, Will. IV.. c. 85, s. 87, it is enacted 'That no native of the said territories nor any natural-born subject of His Majesty resident therein shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company.' It is obvious, therefore, that when the competitive system was adopted, it could not have been intended to exclude natives of India from the Civil Service of India."

Hon. Members might say they were not, and he, therefore, invited their attention to this paragraph—

"Practically, however, they are excluded. The law declares them eligible, but the difficulties opposed to a native leaving India and residing in England for a time are so great that, as a general rule, it is almost impossible for a native successfully to compete at the

periodical examinations held in England. Were this inequality removed we should no longer be exposed to the charge of keeping the promise to the ear and breaking it to the hope."

Now he came to the precise terms of the Amendment which he had the honour to move—

"Two modes have been suggested by which the object in view might be attained. The first is, by allotting a certain portion of the total number of appointments declared in each year to be competed for in India by natives and by all other natural-born subjects of Her Majesty resident in India. The second is, to hold simultaneously two examinations, one in England and one in India, both being, as far as practicable, identical in their nature, and those who compete in both countries being finally classified in one list according to merit, by the Civil Service Commissioners. The Committee have no hesitation in giving the preference to the second scheme, as being the fairest and the most in accordance with the principles of a general competition for a common object."

He need not argue in that House that natives of India had the same right as ourselves to take part in the government of India; by law they had the same right. He need hardly quote the words of the Queen's Proclamation in which Her Majesty declared her will that her subjects, of whatever class or creed, should be freely and fully admitted to any offices for the duties of which they might be qualified by their education, abilities, and integrity duly to discharge. That Royal Proclamation was, in fact, a Statute, because the principle of it was embodied in the Act of 1858, by which India was transferred from the Colonies to the Crown, and it had been the declared intention of successive Governments to give the natives of India the same terms as the inhabitants of the United Kingdom. It might be said that there were great difficulties in holding the same examination in two places at the same time. When the Committee of 1860 sat the Civil Service Commissioners, under whom these examinations were held, were consulted on this point; and they replied to the Committee that, so far as they were concerned there would be no difficulty whatever; it would be merely necessary to amend the Order in Council by including, after "London," the words "Calcutta, Madras, or Bombay." The University of London at this moment held an exami-

nation, not only in many distant parts of Her Majesty's Dominions, but in the City of Calcutta. In the speech delivered by Mr. Fawcett in 1868 he, who knew as much about examinations and the mode of conducting them as any man who ever sat in that House, used these words—

"There would be no difficulty in carrying out this plan; for the examination papers might be sent under seal to India; and, the examination being fixed for the same day as in London, the candidate's papers might be sent home under seal and inspected by the same Examiners, the names of the successful candidates at all four examinations being arranged in order of merit."

He was aware that there might be some practical difficulty as to that part of the examination which was conducted *vivâ voce*. Although it gave some advantage to people who spoke more quickly than they thought over people who thought more quickly than they spoke, he was aware that it was a convenient mode of testing the real knowledge of a man who might be able to write a paper on a subject he did not properly understand; but he could not think that a great question of policy, as he hoped to show this was, would be decided on that narrow ground, and from his own experience of competitive examinations he did not think that *virâ voce* played a very large part in determining the ultimate selection of a candidate by the Examiners. He had said he did not, in the least, wish to interfere with the duty of natives of India to obtain some experience in this country before they undertook the task of governing their own. He had here—and he could promise the House this was the last extract he should trouble them with—the opinion of a man whose name was highly respected, who was the first Secretary of State for India, the late Lord Derby. Lord Derby, speaking as Lord Stanley in that House in the year 1853 about the proposal to establish a sort of Indian Haileybury, used these words—

"He could not refrain from expressing his conviction that, in refusing to carry on examinations in India as well as in England—a thing that was easily practicable—the Government were, in fact, negating that which they declared to be one of the principal objects of their Bill, and confining the Civil Service, as

heretofore, to Englishmen. That result was unjust, and he believed it would be most pernicious."

And then he went on with that independence and courage that so distinguished him—

"Let them suppose, for instance, that instead of holding those examinations here in London, that they were to be held in Calcutta. Well, how many Englishmen would go out there—or how many would send out their sons, perhaps, to spend two or three years in the country on the chance of obtaining an appointment! Nevertheless, that was exactly the course proposed to be adopted towards the natives of India."

He was not aware that our Secretaries of State, the distinguished gentlemen who in this country were responsible for the affairs of India, were always subjected to the preliminary test of visiting that country. Lord Kimberley had been in many places in a more or less official capacity, but he did not know that he had ever been in India; he did not know that the natives of India had ever enjoyed the opportunity of seeing Lord Cross, so that they had the most competent Secretaries of State and most competent Under Secretaries who had had no personal knowledge of the country the affairs of which they were responsible for. At the same time, he should be the last to underrate the advantage native candidates obtained from seeing something of our institutions. He knew very well that they were required to make practical acquaintance with the inside of our Courts of Law; they were required to attend that august tribunal, the Judicial Committee of the Privy Council. There was no Court in the world that had such an ample and important jurisdiction; but he had no doubt the reports of the judgments could be read in India as well as here, and would form a necessary part of the training of every Indian administrator. But when it came to what strikes the eye—

"*Segnius irritant animos demissa per aures,
Quam quæ sunt oculis subjecta fidelibus.*"

After the native of India had seen these elderly gentlemen sitting round a table at what used to be called the cock-pit, he would take him to the Guildhall, to see, as a more impressive spectacle, an Alderman in all his glory, dealing with drunks and disorderlies. He did not wish to deprive the natives of India of

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the great privilege of residing at our Universities. They might go to Oxford and see the Indian Institute standing in the place where it ought not; they might teach Sanscrit to Sir Monier Williams, learn Christianity from the Master of Balliol, and there were a number of other advantages of which his Amendment would not deprive them. What he wished to impress upon the House was that by the scheme which he proposed in his Amendment no native of India would be relieved from any part of the duties incumbent upon him now of submitting himself to a residence and training in this country before he could fill the humblest post in the Service of the Crown in India. But he ought, in candour, to say that since the Committee of 1860 an independent Commission sat on the same subject in Calcutta, and arrived at a somewhat different conclusion. It was a Commission over which Sir Charles Aitchison presided, and which reported in 1887. Amongst other subjects considered was that of holding simultaneous examinations in England and India. The Commissioners reported against the scheme. Their reasons were, as it seemed to him, extremely simple; in number they were two, in character they were mutually destructive. The first reason they gave was that the system of education in India was not sufficiently advanced to afford the requisite training. Well, he should have thought that was an evil that could be provided for, because if these candidates were not well prepared they would not pass. The second reason was that the stimulus given to the system of education in India would lead to a danger of cramming. But it was the duty of the Examiner to defeat the crammer, and he was not worth his salt if he could not detect the difference between a candidate who really knew and one who only pretended to know. He knew there had been of late years a dead set made against competitive examinations, which had been instituted for the Civil Service by one of the most distinguished Members of the Conservative Party (Sir Stafford Northcote) and a distinguished Member of the Liberal Party (Sir Charles Trevelyan). He also knew that the enemies of this system of competitive examination were incompetent teachers, incapable examiners,

prigs, pedants and professors, impudent jobbers, and the parents and guardians of idle boys. But this system of competitive examination, in all its horrors, was applied to the natives of India, and was only barred by a test which an infinitesimal number were able to surmount. There were two main arguments against his proposition, and he should be sorry to say that either of them was dishonest; but one was, undoubtedly, honest, and, if he might, he would begin with the other. The other argument was that it was a positive stimulus to the natives of India—that it really encouraged them to enter our service and take part in the government of their own country if they were compelled, on the mere chance of obtaining an appointment, to expatriate themselves for several years, and subject themselves to considerable expense in the hope of obtaining ultimate success. He did not think that argument could be maintained in that House. The other argument—the honest argument—was that we did not want the natives of India in the Civil Service at all. That argument could not be reasonably maintained, as it was contrary to the law of the land, and the Queen's Proclamation; contrary to the promises given to the natives, to the policy that had always been laid down by every Governor General and every Secretary of State. It might be said they had no objection to a few men being admitted under certain conditions, but they objected to the Civil Service being flooded. He did not think it showed a very great reliance upon the vigour and powers of our own countrymen to assume that they would be defeated in this wholesale manner by the natives of India. But if that were an objection it ought to be met in a straightforward manner by saying there were posts which they could not confer upon natives, or that there were limits beyond which they could not permit the natives of India to go; they should not say that the Civil Service was just as much open to them as to Englishmen, and then impose upon the natives of India conditions which we would not for a moment submit to ourselves. It had been said that the characters of the natives of India who were most successful in passing examinations were not such as to fit

them for high administrative posts; but a certain number of them had attained to positions of responsibility, and the Commission of 1887 said that they had discharged their duties with satisfaction to their superiors and to those with whom they had had to deal. In the prospectus it was said that candidates must be men of good moral character and able to perform journeys on horseback, which meant that they must be able to ride and to speak the truth—a version of the whole duty of man which was a good deal more ancient than their rule in India, and which was of Eastern, and not of Western, origin. What he wanted to impress upon his Indian fellow-subjects—what they ought to impress—was that the system which they adopted was one which, in accordance with British declarations, gave them fair play. But, unfortunately, the policy was one of professing to give places and opportunities to the natives, which were, in fact, given to others and not to them. As far as he had been able to ascertain, out of nearly 1,000 members of the Covenanted Civil Service there were not 20 natives—11 in Bengal, two in Madras, one in Bombay, and two or more elsewhere. If this were the result of competition with equal treatment for all, no one could complain; but it was the result of holding examinations only in London, where, of course, the majority of the Indian candidates were unable to appear. There was a portion of the Civil Service not open to competition, not fenced round with any safeguard against abuse, but left to the selection of the Governor General and his advisers; and the Commission of 1887 unanimously condemned the results of this method of selection, whereas they reported favourably upon those natives who had been admitted to the Service under the system of open competition. If the system of selection was unsuccessful in 1837, the state of matters must be worse now. He knew there were objections—strong objections—to employing natives of one part of India in another part of it. But those objections could be met by necessary regulations; and were no argument against the main proposition. He did not want to occupy the time of the House unnecessarily. He hoped that other hon. Gentlemen would take part in the Debate

after his hon. Friend the Member for Finsbury (Mr. Naoroji) had seconded the Motion—a gentleman, he might say, who was better acquainted with the subject than he was. He hoped to hear the views of the hon. Gentleman the Under Secretary of State for India. He was anxious to learn the line of action he would pursue—whether he would regard the present system as the best or whether he would say that there might be a better system. But he looked with special interest to the words of his hon. Friend the Member for Finsbury, who, as a native of India, with special knowledge of Indian requirements in this as in other respects, would deal with the question of policy and its effects. His hon. Friend could tell them much that would be valuable with regard to the National Congress which had met in India for seven years past, and at every meeting of which a resolution had been passed in favour of the views embodied in this Amendment. His hon. Friend would address them as one of the Indian subjects of the Queen—the first who had ever taken his seat in the House of Commons. It was, so doubt, very desirable that members of the Indian Civil Service should come here to associate with the best classes of Englishmen, Scotchmen, and Irishmen; but if they required instruction and training in the art of government, they could not derive it from a better source than from the members of that great administrative system in India, of which they were so justly proud, and which, by the splendour of its services, but above all by the spirit of justice which animated it from top to bottom, had enhanced the name, and the fame, and the honour of Great Britain in every portion of the Empire and every nation of the world. He concluded by moving the Resolution.

*MR. NAOROJI (Finsbury, Central) said, he had to speak to a specific Resolution, and, if he did not dwell on the great good India had received from England, it was not because he ignored it. He only wished he had the pleasant task of describing all the blessings England had conferred upon India; but, at present, he must confine himself to this acknowledgment and proceed to the subject in hand. The present appeal was not made to one Party or the other,
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but it was made to the whole House; it was not a question of Party, for he felt that the natives of India had as much reason to be grateful to Conservatives on the other side as to Liberals on his own side of the House. It was to the Conservatives they owed the Proclamation of the Queen in 1858 and as Empress of India in 1877, and to them they owed other services. He appealed to the whole House upon the merits of the case. The question simply was, as his hon. Friend the Mover of the Resolution had told them, one as to promises given by Parliament and the British people to the people of India. Sixty years ago it was distinctly laid down by Act of Parliament—and in the interval the pledge and promise had been repeated several times—that in India there should be no distinction of race, class, or creed, but that all should be admitted equally, according to their qualifications, to the Service of the Crown. The pledge had been repeated on the renewal of the Company's Charter, on the transference of India to the Crown, or the assumption by the Queen of the title of Empress; and, again, on the celebration of the Queen's Jubilee. These pledges and promises had been intentionally broken over and over again. The Committee of 1860 acknowledged the failures, and they had been emphatically acknowledged by the Duke of Argyll when, in proposing the clause in the Act of 1870, he said—

"We have not fulfilled our duty or the promises and engagements which we have made."

What was the reason for the breaking of these pledges? He (Mr. Naoroji) was the last person in the world to impute motives. He had the greatest respect and admiration for the character of the English people; he had lived among them for a long time, and he was proud of being a British subject. Still, he must say that the natives of India had not been fairly treated in this matter. At the first National Congress one of the speakers read an extract from a confidential Minute of Lord Lytton which explained why the promises given to the people of India had not been fulfilled. Lord Lytton said that a native once ad-

mitted to Government employment was entitled to expect and claim appointments in the fair course of promotion to the highest post in the Service. He said—

"The Act of Parliament is so undefined, and indefinite obligations on the part of the Government of India towards its native subjects are so obviously dangerous, that no sooner was the Act passed than the Government began to devise means for practically evading the fulfilment of it. Under the terms of the Act, which are studied and laid to heart by that increasing class of educated natives, whose development the Government encourages without being able to satisfy the aspirations of its existing members, every such native, if once admitted to Government employment in posts previously reserved to the Covenanted Service, is entitled to expect and claim appointment in the fair course of promotion to the highest post in that Service. We all know that these claims and expectations never can or will be fulfilled. We have had to choose between prohibiting them and cheating them, and we have chosen the least straightforward course. The application to natives of the competitive examination system as conducted in England, and the recent reduction in the age at which candidates can compete, are all so many deliberate and transparent subterfuges for stultifying the Act and reducing it to a dead letter. Since I am writing confidentially, I do not hesitate to say that both the Governments of England and of India appear to me up to the present moment unable to answer satisfactorily the charge of having taken every means in their power of breaking to the heart the words of promise they had uttered to the ear."

He (Mr. Naoroji) did not and would not believe that the people, the Parliament, and the Sovereign had played this ignoble part. He was sure they were sincere in their desire for a policy of justice and in their pledges. It was the Executive Indian Governments who were guilty of these subterfuges and unworthy and un-English means. Now, he could not admit that the Parliament of England passed Acts with hypocrisy and did not mean what they said. But it was an unfortunate fact that no sooner were Acts passed favouring the Indian population than means were devised to prevent them from deriving benefit from them. Under the Act of 1833 Indians were entitled to claim appointments, with chance of promotion to the highest grade in the Service. Every means in the power of the authorities had been used to break this word of promise and make Act a dead letter. He did not want to quote Lord Macaulay; but he

would remind the House that, in his speech in 1833, that great man had fully commented on the objects and English policy of the system of the treatment of India from every point of view, and he said the path of duty was the path of honour and prosperity. He called the clause in the Act of 1833—

"That wise, that benevolent, that noble clause."

And said—

"That to the last day of my life I shall be proud of having been one of those who assisted in the framing of the Bill which contains that clause."

There were Proclamations by the Queen declaring over and over again what the policy of this country to the natives of India should be; but when the gross corruption and oppression of the last century were swept away, its spirit unfortunately survived. The Anglo-Indian system had made use of every subterfuge to defeat those Acts. He would give another instance. When the Act of 1870 was passed it was ignored, and allowed to remain a dead letter till 1878, which was very discreditable, because the decisions of Parliament ought to be obeyed and enforced. At that time they had the good fortune to have as Secretary of State Lord Cranbrook, who put pressure on the Indian Government to have the Act of 1870 carried out, and they were obliged to make certain rules; but those rules were so constructed and interpreted that, instead of carrying out the intentions of the Act, they brought discredit upon it. The appointments were then begun, and went on. But the Anglo-Indians could not bear this, and an opposition burst out against the Ilbert Bill. Then they had Lord Hartington (now Duke of Devonshire), who had the sagacity to understand the secret of the agitation against the Ilbert Bill, and who did not hesitate to declare that it arose from the jealousy of the non-official class of Europeans, who thought that all the appointments ought to be reserved for them. He said—

"I could quote passages in letters in the Indian papers in which it is admitted that the agitation was directed against the policy of the Home Government in providing appointments for native civilians while there are many Europeans without appointments."

Here they had the whole idea. It was one of selfishness, without regard to the name or fame or honour of the British people. Indians must be excluded from fair representation and share in the administration of their country, and Englishmen must fill all posts. They could form some idea of what the policy meant if they referred to the statement of the present Commissioner for Burmah, who said that Englishmen wanted employment for their boys. That was the entire policy of the system now in operation. The Viceroy, at the time when the Queen assumed the title of Empress of India, speaking in the name of the British people and the British Sovereign from the Throne of the Mogul, assured India before the whole world—

"But you, the natives of India, whatever your race, and whatever your creed, have a recognised claim to share largely with your English fellow-subjects, according to your capacity for the task, in the administration of the country you inhabit. This claim is founded on the highest justice. It has been repeatedly affirmed by British and Indian statesmen, and by the legislation of the Imperial Parliament. It is recognised by the Government of India as binding on its honour, and consistent with all the aims of its policy."

Yet a year afterwards the same Viceroy told us what the real policy and spirit of the Indian Government was in the Minute which he had already read—to use every subterfuge to thwart and defeat Acts of Parliament and Proclamations of the Sovereign and the people. The Indian Government adopted a policy exactly the reverse of that thus declared from the Throne of the Moguls. The policy of the people and the Parliament of England was undoubtedly, "Be just and fear not;" the policy of the Anglo-Indian system was, "Fear and be unjust." The House had now to determine whether the declarations made in the name of God and before the world were, by means of every deliberate subterfuge, to be made dead letters, or whether the Parliament and people of this country meant what they said? He appealed to the House to take the matter into their serious consideration; he asked them once for all to be honest; and, if they really meant that the declarations they had made were to be so many shams and delusions, let it be distinctly proclaimed

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to the world that they had been acting hypocritically. For the good name of the British people, and in order that their power might rest upon the strongest foundation of the contentment of the people, he asked the House to act honestly and justly. In doing so they would lay a foundation which would be unshakable for ever. If the feeling that they had been intentionally and deliberately cheated was once introduced into the hearts of the people of India, he would only weep for them as well as be sorry for the British power. The British people had a great mission to perform, and the prosperity and progress of India would be to them as beneficial as it would be glorious. The idea that Indians were not capable of taking a due and proper share in the government of the country had been refuted by his hon. Friend. He was himself as anxious as anybody else could be that those who occupied posts in the higher administration of India should have the opportunity of spending at least a year or two in this country and becoming familiar with the spirit and pluck of the English nation before they went out there and worked with English colleagues. What he suggested was that which was recommended by the Committee of 1860—namely, that the first competitive examination by which candidates were selected should take place both in India and England, and that those selected at the examination should pass the subsequent examinations in this country. The excuse could not then be made that the candidates would not have a sufficiently good training in this country. Besides the Covenanted Civil Service there were the other Civil Services—the Engineering, the Telegraph, and the Forest Services—for which also examinations were held in England alone. The first competitive examinations for these Services were only of a general character—and these examinations should be held simultaneously both in India and England. And after the successful candidates are selected they would come to be educated in this country in their respective subjects for two or three years. Thus the object of the training in this country would be completely attained. If the Indian Government would only once for all cast away that timidity and selfishness which

had been inherited from past centuries, and would make up their minds to fulfil honestly and honourably the pledges which had been given to the people of India for 60 years continuously, and to faithfully give effect to the Act of 1833, both India and England would be blessed and benefited. He appealed to the good faith, to the sense of honour, and to the sense of fairness and justice which the British Government had always proclaimed as being the only principle by which they were guided in their relations with the natives of India, and he asked the House to assent to the Amendment.

Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words "all open competitive Examinations heretofore held in England alone for appointments to the Civil Services of India shall henceforth be held simultaneously both in India and England, such Examinations in both countries being identical in their nature, and all who compete being finally classified in one list according to merit."—(*Mr. Paul.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

*GENERAL SIR G. CHESNEY (Oxford) said, the hon. Member who had moved the Amendment commenced his speech somewhat unfortunately by quoting from some State Paper of the year 1860. For all practical purposes, as regarded the Administration of India, he might just as well have quoted from a State Paper of the Reign of Queen Anne, because during the last 30 years a complete and thoroughly drastic administrative change had taken place in India. The hon. Gentleman had, of course unwittingly, misled the House by one statement be made. He had said something to the effect that at present the natives of India were excluded from almost every appointment. As a matter of fact, at the present time, practically the whole Civil Service of the country was occupied by the natives of India. The natives had almost all the judicial appointments, and a very large share of the Executive appointments of the country.

*MR. PAUL said, that what he had meant to make clear was that the immense

majority of the natives were practically excluded from the competitive examination for appointments to the Civil Services.

GENERAL SIR G. CHESNEY said, that if he had had no Indian experience he should certainly have gone away with the impression, after what the hon. Member had said, that the whole of the civil offices in India were held by Englishmen, and that natives were excluded. As a matter of fact, the whole of the Judicial Service, with the exception of a very few reserved appointments, were held by the natives of India; all the subordinate Executive appointments were held by them, and all the clerical appointments in the different public Departments to which we in this country attached the title of "Civil Service" were held by them. But what the House had to deal with on the present occasion was the higher and more important administrative Service, which, in fact, conducted the Government of India. The officers composing this were altogether, he believed, less than 700 in number. When the hon. Member spoke of the Queen's Proclamation of 1858 as being the Charter by which the natives of India were justly entitled to share in the higher and reserved offices, he seemed to give the House to understand that the pledge given in the Queen's Proclamation had been violated. But the hon. Member did not state the most important condition, which was that no person should, by reason of his race or religion, be excluded from any office whatever for which he was fit. That was the real question at issue. It was not a question between Englishmen and Indians, but between fitness and unfitness.

MR. PAUL: I quoted the very words.

GENERAL SIR G. CHESNEY said, he did not gather that the hon. Member laid any stress on the question of fitness, on which the whole matter turned. The question at issue was whether the number of Englishmen now serving in India was in excess of the necessities of the country, and whether proper facilities in pursuance of the pledge that had been given were

offered to the people of India for entering the Service? As to the question of competitive examination, he might be allowed to say that he had been from his first entrance into the Public Service a strong advocate of the principle of unlimited competition. He had the honour to belong to a branch of the Service, the Royal Engineers, which was, he believed, the very first into which the competitive system was introduced, and he had seen the greatest possible advantage resulting to that Service from its introduction. During the last 10 years, in which he had been employed partly under the Government of India and partly as a Member of that Government, he had occupied himself very largely in introducing the principle of competition into all the clerical Departments of the Indian Public Service. He might claim the merit of having introduced and carried through a system of unlimited competition in all the clerical offices under the Government of India. As regarded the higher Civil Service in India, to his mind the greatest possible benefit had been derived from the application of the competitive system to that Service. He might be allowed to allude particularly to the case of the members of the Civil Service who came from Ireland. He had in that Service many personal friends, to some of whom he was opposed in politics, but to whose great abilities and capacity for administration he desired to testify. They had entered the Service through channels which in former years were closed to men from Ireland, and he gladly recognised what a very large field in the future India offered for Irishmen of ability. Holding this opinion as to the merits of the competitive system, he, nevertheless, was not prepared to admit that for the purpose of choosing Indian administrators from the people of India it was necessarily the best or even a suitable system. In this country the assumption might fairly be made that while any number of young men brought up in the same way might be intellectually different physically and morally they would be very much on a par. If, therefore, we applied the competitive system of examination to them we lost nothing of the physical and moral capacity, but we gained much in the superior mental capacity which was obtained for our services. But that

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notion, as applied to India, would be absolutely delusory. In India there was no similarity between the moral and intellectual conditions such as was to be found in England. In India we had, on the one hand, a class who crowded into the Government Colleges, and who were intellectually very acute, and who had extraordinary powers of assimilation of book-work, but whose capacity for governing their fellow-men had yet to be proved. The great Province of Bengal, the richest, most populous, and most important Province in India, contained 70,000,000 of people, and yet amongst them he believed not one single soldier was to be found. He did not wish to say anything against his Bengalee friends; but he thought that when it was found that in a great country as large as France, and more densely populated, there was not to be found one single man who gave any evidence of a desire for a military career the presumption was that the people were, at any rate, wanting in some of the peculiar attributes which had made the English nation what it was. He would go further. Amongst those 70,000,000 of people not one successful administrator had been produced. ["Oh!"] He made the statement without the slightest hesitation. We had a great number of highly respectable officials, mostly in subordinate positions; but if we went back to the history of India before the English came on the scene we did not find a single instance of a Bengalee having risen to any position of eminence. The men who conquered and governed India before we came there were men of a class who were still highly respected by the people of India, and to whom the people of India looked upon as their natural rulers, but who would not have a chance in a competitive examination. The people of India, as a whole, would regard with the greatest horror and indignation a system by which they would have imposed upon them administrators who were chosen by open competition alone. Some people talked of the people of India as if they were a nation. They were a congeries of nations, separated from each other by race, by blood, by language, by physical position, in some cases by religion, and, more than all, by political feeling. Nothing

would be more distasteful to the most important of these peoples than to have placed over them administrators belonging to a race which they regarded as inferior to their own. A very hostile feeling between them still existed even at this moment, although kept down by the *Pax Britannica*. He did not mean to say that we must necessarily accept these prejudices and act upon them entirely; but he did say that we must take reasonable precautions that the men we chose to govern the country had the moral qualities required in rulers of men. One of the very first of these qualities was to be found in the readiness of a man to give up his caste prejudices and to take a voyage to England. This opinion was shared by everybody who had been connected with the Government of India. Too great a value could hardly be set on the moral and mental education imparted to the native of India who came to England and spent three or four years at one of our Universities. He had had the pleasure of meeting at Oxford at different times young men who had been sent there from India for educational purposes, and he recognised that they had gone back fit to take a position in the Civil Service which they had not been fit to occupy before. The hon. Member had said that, whilst the candidates ought to be required to come to England, the preliminary examination should take place in India. The term "preliminary examination" had a somewhat delusive aspect in this connection, because it was applied in the case of the Army competitions to what was really not an examination, but only a small eliminating test. The "preliminary examination" referred to by the hon. Member opposite was practically the final examination, and included a *vivâ voce* examination to which the Government of India attached a very high value. They said it was quite impossible to hold simultaneous *vivâ voce* examinations in different places which should be of equal value as tests. He would read a short extract from an opinion which had been expressed on the point by the Government of India. He might observe that the Government of India, which was responsible for the good administration of the country, had, perhaps, as strong an interest in the

efficiency of the Public Service as any hon. Member of the House. By going to India a man did not lose his sense of public duty or his sense of patriotism. He gained additional knowledge of the enormous responsibility attaching to the Civil Service, and it was to be hoped that there was no hon. Member who considered that experience and the good judgment derived from it were disqualifications for forming an opinion. Well, what was said by the Government of India on the point to which he had just referred? He would quote from the Despatch sending home the Report of the Public Service Commission of 1887—a Commission presided over by a former Governor of the Punjab, Sir Charles Aitchison—and a more appropriate appointment could not have been made. The hon. Member opposite had spoken of the Commission as though it were composed of Anglo-Indians, but such was not the case. It was composed of some members of the Public Service, of some natives, and others. As to whether the examinations should be held simultaneously in England and India or only in England the Commission reported—

"The Commission decides that it is inexpedient to hold an examination in India simultaneously with the examination in London. The Commission points out that while the Covenanted Civil Service is only large enough to man 765 appointments all told, the duties which the officers composing that Service are called on to discharge involve wide and serious responsibilities, and require very high qualifications and special training in the agency employed. It recognises that as the Covenanted Civil Service represents the only permanent English official element in India, the importance of recruiting that Service with reference to the maintenance of English principles and methods of government cannot be over-rated. Having regard to the general considerations set forth with great force in paragraph 60 of the Report, the Commission concludes that recruitment in India for the Civil Service is undesirable."

*MR. PAUL : Did the native members of the Commission concur in that ?

GENERAL SIR G. CHESNEY said, the native members had not confirmed it. The Government of India said—

"We are unanimously of the opinion that this conclusion is correct. The true principle on which the Commission has very strongly insisted is, that the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education.

If under such conditions native candidates succeed, they will then, as Lord Macaulay said, 'enter the Service in the best and most honourable way.' The establishment of simultaneous competitive examinations in India and in England would sacrifice the principle we have stated. It would be entirely foreign to the intentions of the framers of the competitive system, and be open to grave practical objections."

But the Government of India, and naturally, in their position, did not lay stress on the gravest objection, which was that under a system of competitive examination held in Calcutta there would not be a fair representation of the people of India. They would, no doubt, have a large representation of the educated people, but the Government of India held that it would be in the highest degree undesirable to flood India with Bengalee Civil servants. It would be resented in the strongest manner by the people of India themselves. It must be remembered that they were not legislating for the particular benefit of the 300 or 400 young men who wanted employment, but for the peace, prosperity, and good government of the whole of the people of India. Sir James Lyall, Governor of the Punjab, had reported that even if there were a system of open competition for the Punjaubees alone, for the Civil Service of that Province alone, the result would be to give the Government the wrong set of men. Sir James Lyall said that it was the governing classes in India whom the people looked up to, who were just those who could not pass competitive examinations. And though no one held a higher opinion of the value of competitive examinations for England than himself, in his opinion it would be madness to apply a system of competitive examination for selecting Administrators in India. He would further point out that administrative change had just been entered upon of a most important kind in the Civil Service. It was proposed by the Government of India that the Covenanted Civil Service in that country should undergo a large reduction, and that the numbers should be made up by the appointment of natives who had given evidence of their qualification by good service already rendered to the State, but who had not undergone competitive examination. He and other

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members of the Council would have gone even further than they had done already in this respect, but, being in a minority in the Council, they had been over-ruled. He mentioned that to show that, though he was opposing the Resolution, he had for many years identified himself very closely in these reforms. The proposed reduction in the Covenanted Civil Service was one-sixth, and in future those appointments would be filled up by natives of the country who were already in the service of the State. Everyone who was acquainted with the condition of India would, he believed, affirm that no better mode of appointment could be made. When a man had been 10, or 12, or 15 years in the Service in India his character was known, and public opinion approved of the appointment of such men to important positions. Moreover, it was not to be supposed that the Government of India were under the impression that they had reached anything like finality in this matter; but they believed that, having reduced the Covenanted Civil Service by one-sixth under the present circumstances of India, they had gone as far as they could safely go at the present time. Any person who thought otherwise, and voted for an opposite view, must be prepared to take great responsibility on his shoulders. The question was not whether competitive examinations should take place here or in India, but whether Englishmen were required at all in the Indian Civil Service. If none were required were they going to have a Civil Service consisting entirely of natives; and if they were, were they going to recall the 70,000 British troops? That was the question they had to answer. Disguise the matter how they might, there was no hiding the fact that India was held at present by the sword, and he did not believe anyone in this country was prepared to do away with the English Agency in the government of India. The point to be considered, therefore, was whether the reduction which had taken place in the Covenanted Service during the past five years was not, as times went, a reasonable one. No doubt, if the belief were generally entertained in this country that the Indian Government were moving too slowly in the matter, hon. Members could vote for the Motion, the rate of progress

would be accelerated, and in a short time the English element would have disappeared from the Indian Civil Service. But even so they would not have the Indian people properly represented. They would have a few of the educated natives of Bombay in the Service, but the great bulk would be educated Bengalees, who up to the present had never taken an effective part in the government of the country.

*THE UNDER SECRETARY OF STATE FOR INDIA (Mr. GEORGE RUSSELL, North Beds.): I think the time has arrived when I ought to intervene in this Debate on the part of Her Majesty's Government; but in view of the many hon. Members of great experience in relation to this subject who, I presume, are desirous of speaking, I promise that my remarks shall be kept within reasonable limits. Whatever may be the views of hon. Members as to the merits of this matter, we must all feel gratified at the signs we see around us of reviving interest in Indian affairs. In days gone by it was scarcely less than a scandal that the Service of our enormous Indian Empire excited so little interest in the House of Commons. But to-night we have been able to make a House and keep a House, and that is a great achievement. Thus there are signs that the present House of Commons, at all events, is more alive than its predecessors to its responsibilities in the matter. My thanks are due to the hon. Member for South Edinburgh and the hon. Member for Finsbury for the courteous manner in which they have brought forward the Motion. The hon. Member for Finsbury suggested, I think, that India is administered by us in the interests of selfishness alone; but I hope, before I have done, I shall succeed in convincing him that whatever our errors may be they are not founded in selfishness. The hon. Member for South Edinburgh expressed regret that I and others have not spent some portion of our lives in India. I admit that this is to be regretted; but, still, I must say I consider that our state is more gracious than that of those who have spent three, four, or five months on a tour through India,

who are hurried from one official residence to another, and come back crammed with undigested knowledge. The hon. Member for South Edinburgh has limited his Motion more narrowly than I thought he intended. He proposes that those who pass their first examination in India should come to England to pass the second. If his view were carried into effect it would limit the disabilities under which the natives of India labour, and would very largely increase the number of natives occupying appointments in the Covenanted Service. The hon. Member referred to the Minute of 1860. References have been made to that before, and I have had occasion before now to say that that was not an official or an authoritative document. It was merely an expression of opinion on the part of three eminent men of that time, and was never adopted by the responsible Government. But, above all, it is now absolutely out of date owing to the changes which, since that time—30 years ago—have taken place, and especially to the institution of the Provincial Service in India. From 1860 we come to 1868, when certain inhabitants of India addressed themselves to the English Government in the sense of the Motion of my hon. Friend, and although Mr. Fawcett favoured the proposition, it was strongly opposed by Lord Lawrence, whose view was sustained by Sir Stafford Northcote. In 1887 there was a strongly-supported proposal which was somewhat germane to the proposal of my hon. Friend, and yet, in a certain sense, contrary to it. I think he said that the inhabitants of India are the only persons concerned in the proposed change. But that was not the case in regard to the proposal of 1887, which was for simultaneous examinations to be held in some of the Australian Colonies. But if this was carried out, why should Canada and the other Colonies be excluded? and if they had been included, the result would not have been to the advantage of the natives of India. In 1886-7 the Public Service Commission, which was referred to by the last speaker, sat, and, although three native members who took part in that Commission did not see the objections to the simultaneous examinations or the mischiefs that were likely to occur which the

others saw, yet they were unanimous with the other members of the Commission in rejecting the proposal and approving the Provincial system which the Commission recommended. The grounds of the majority's opposition were, first, that it was necessary to bring up the natives to the standard of modern notions of government; secondly, that Indian education was no sufficient preparation; thirdly, that inequalities would be created between race and race and between class and class, in India, which would be fraught with danger; fourthly, that such an alteration would give an impetus to the principle of cramming; and, fifthly, that the altered arrangement would be incompatible with the *vivâ voce* examination to which the Civil Service Commissioners attach great weight, as showing the moral equipment of a man more than any paper examination. I confess that, in my view, these objections are but as dust in the balance when compared with the great, fundamental, racial difficulty. People speak glibly of India as one whole entity. If we approach the subject practically, we have to bear in mind that India is not composed of one race but of many, and that we there rule over a community of men composed of different races, holding different religious beliefs, and having differences and diversities of gifts. To a certain section of the inhabitants of India—the Bengalese—there has been conceded in a most abundant measure that valuable quality which is essential for success in competitive examinations. We must consider these marked diversities of gifts. The gift of passing competitive examinations and the gift of governing men are not always committed by Providence to the same person. As a matter of fact, Sir, it has been held by those who are experts in this business, who have a practical knowledge, and sometimes a life-long knowledge of India and the working of laws and institutions in India, that the gift of rule has not been vouchsafed to the particular class of the population of India who best succeed in these examinations. It is held by those best qualified to form an opinion that the fierce, turbulent races, though they submit contentedly to our rule, would resent, and very strongly resent, any

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attempt on the part of the Bengalese natives to exercise administrative control over them. Now, Sir, if time and circumstances were favourable, I might enlarge at some length upon the enormous magnitude of the problem involved in the Government of India. In that Government we have to deal with a population which, all told, is not much less than 300,000,000. Of this number some 57,000,000 are Mahomedans, 2,000,000 Sikhs, 208,000,000 Hindoos, and 90,000 Parsees; and to rule all these, in the sense of the Civil Service rule, what is our force? We have 1,000 men in the Covenanted Service, and of these 1,000, 20 are natives. Besides these, there are in the Statutory Service, introduced a few years ago as an experiment, some 58 natives. But now I come to what is more important, the new Uncovenanted Provincial Service created as the result of the Commission to which allusion has been made. The Provincial Indian Service cannot properly be regarded as a subordinate Service, for the members of this Provincial Service are eligible for the very highest posts under the Crown in India. [*Cheers.*] I am glad to be confirmed in that by the cheers of the hon. Gentleman opposite. There are no posts, however important and influential, which are withheld from members of that Service. It consists at present of some 3,000 men, and of these 50 are Englishmen; therefore, if we compare the Covenanted Service with this Service, it would not seem that we have disregarded the claims of the native races. This Service we regard, as I have said, in no sense subordinate or subject; we regard it as being a complement and an extension of the Covenanted Service, carried on under slightly different conditions, and we consider it as the proper and natural door through which the native population of India should pass into the Service of the Crown. But I am quite aware that we may be charged with inconsistency, and that it may be said—"Is it not almost contradictory in terms to say that the large mass of the native population are not well qualified for the business of ruling and governing, and yet to permit them to compete with Englishmen in examinations in England and to be eligible for the

Provincial Service in India?" Both of these are questions which may fairly be put; but my hon. Friend, in moving his Resolution, did us the credit of saying that he did not attribute to the Department at home any endeavour to put forward fallacious or misleading views as to the principle on which these examinations are conducted, and I will try to deserve his praise by meeting this point fairly. We are not inconsistent for this reason. In the first place, we do not lay down an absolute and all-inclusive law. We do not say that these native races are altogether, man to man, incapable; we only generalise and say that, as a race, they are less richly endowed with the gifts of government than with other gifts. But we say, when a young Indian gentleman is willing to come over to England, when he is willing to make this change in his life and habits, when he is willing to leave his home, his friends, and the society of his own people, when he is willing to submit himself to instruction in this country and take his chance in free and open competition with Englishmen, he gives unmistakable proof that he is a picked and marked man—that he has qualifications and self-reliance which will make him a valuable public servant—a man whose admission into the Indian Service we can regard with satisfaction and hope. So we are not inconsistent in saying that if a young man chooses to come over here and enter into a free and open competition under the conditions laid down he is to have equal chances with Englishmen. And with regard to the Provincial Service again, we hold that we are entirely free from the charge of inconsistency, because there the admissions are not by competitive literary examination. The admission into this Service is by selection, and selection by tried merit. Here, of course, there is no means of trying merit except in a literary way; but in the Provincial Service it is not so. He can only be appointed by selection on a trial of merit, by having shown himself a man capable of fulfilling the duties of the position he aspires to hold. He is appointed to the local service, and therefore the difficulty and danger of placing men who are incapable of ruling over warlike and turbulent races in other parts of India is

avoided in the Provincial Service. Now, Sir, on the whole, and in the main, in the spirit of the explanation I have made, the Government are prepared to adhere to the great principle which has governed its operations from the first—that the best possible education which a man can have, be he a native of India or not, to fit him for a share in the administration of that country is the education and training conferred by the schools and colleges of England. I am quite aware that some hon. Members may look upon this as an old-fashioned system, but they are thinking of the days when Universities and great colleges were, so to speak, close corporations; but one of the most satisfactory and wholesome features of the present day is that the University movement has extended all over the Empire, and that first-rate colleges and schools are seen in their fullest perfection growing up on all hands. They are increasing year by year, I may almost say quarter by quarter; and we shall not be considered exclusive or pedantic in saying that we consider, on the whole, the most serviceable and hopeful plan that those who are to carry on the Government of India should, as a rule, receive their training under English influences. I am not speaking of the mere acquisition of knowledge. I draw a distinction between that and the formation of character, for both are involved in the idea of education. It is, perhaps, the formation of character more than the acquisition of accomplishment that we look to for the purpose of the government of India, and habits which we believe that English education is pre-eminently qualified to instil, and which we hold to be pre-eminently valuable in the case of the natives of India, self-control, self-reliance, and the remembrance of the obligations of *esprit de corps*. These are the qualifications which we believe English education imparts, and which we think should be possessed by those who are to carry on the government of India. It may be said that we are inconsistent in that we only examine them, and do not of necessity submit them to a thorough training. Perfectly true; but when it was decided that the examinations should be in England a sum of money was offered to those Indian candidates who choose to reside

in the intervening period at one of the Universities, thus providing a strong inducement that they should do so. That was not required in so many words, but *leur* plan must conduce in the long run to bringing a large number of young men in India under the influences of public school and University discipline who would not otherwise be subject to their training. I am so anxious to hear a few words from other speakers that I will not further labour my point. I hope I have said enough to make it perfectly clear that the sole ground on which we resist the proposition of my hon. Friend is that it seems to us to invite disaster in India. The Indian races which are most likely to fill the Civil Service, though they have many gifts and accomplishments, are yet deficient in those particular gifts which excite the admiration and respect of the warlike tribes. The Government of India is a vast, a sacred, and, in some respects, a perilous charge. In administering it we must be equally on our guard against allowing ourselves to be carried away by theories, however specious; by appeals to sentiment, however just; or even by the mistaken application of principles in themselves sound. The one supreme subject which, in dealing with India, every Government, to whichever political Party it belongs, must set before itself, is the maintenance there of a firm, harmonious, and progressive rule. The one supreme danger which we must avoid, as we avoid the worst possible perils to our own country, is any departure in policy which may kindle in India jealousies, hostilities, and rivalries between race and race and between creed and creed. It is because we fear if my hon. Friend's proposition were carried out that these jealousies, rivalries, and hostilities between race and race and between creed and creed would be kindled that we oppose the Motion, and only on that ground; and I hope the House of Commons will hesitate before, by a rash and inconsiderate vote, it dislocates and destroys a system of Government which has been built up by so much anxious care and thought, so much long and varied experience, and under which the Indian Empire has enjoyed so large a measure of order and peaceful progress.

Mr. George Russell

*SIR W. WEDDERBURN (Banffshire) said, he should like to say a few words in support of the Amendment. The hon. Member for Finsbury had spoken with unrivalled knowledge of the subject, but it might be said that he belonged to a class interested in this question. Being himself an Indian, and not belonging to the official class, he might, therefore, be said to have an interest in the matter. Under these circumstances, he might himself be permitted to express an opinion as belonging to a class which might be said to be interested in the matter as British officials, and therefore opposed to the interests of his hon. Friend. He had no hesitation in saying that he entirely concurred in the view his hon. Friend had taken, and he considered that the refusal to hold simultaneous examinations and so put the Indian and the Englishman upon an equal footing was a breach of faith; it was also disobedience of the clear instruction of that House, and a policy tending to inefficiency and want of economy. He listened with much interest to what was said by his hon. Friend the Under Secretary of State for India. He spoke somewhat slightly of those independent Members who had visited India in order to obtain an unprejudiced view of Indian questions. Well, for himself, he would say he was very grateful to those gentlemen who, even in the short period of a few months in India, often gained a better knowledge and more unprejudiced understanding of Indian questions than men who had passed many years in that country if they had professional interests to serve. He agreed with his hon. Friend that the independent Member was a very good judge of Indian questions, and he asked for no better judge; but he would rather that that judge had not lived in the atmosphere of the India Office, as the Under Secretary of State for India was obliged to do. From what he had said he appeared to come before the House saturated with the official opinions of the India Office. Now, the views that he had placed before the House—the objections he had taken—were twofold. He stated a few days ago, in answer to his hon. Friend the

Member for Finchbury, that there were two principal objections to simultaneous examinations. The first was that they would sacrifice the principle of obtaining the best and highest form of English education. On behalf of his Scotch and Irish friends, he would say he thought they might object to English education only being referred to; but, apart from that, he held it quite unworthy of the Government to call such a mere detail a matter of principle. The real principle that was being sacrificed now was the principle of absolute impartiality among all Her Majesty's subjects. That was a principle worthy of preservation. The other reason his hon. Friend had given was that by recent arrangements ample provision had been made for the employment of the natives of India in the higher offices. He offered to that allegation a most absolute and complete denial. Now, this question might be thought to be only one of employment in the Public Service, and that it was not a very extensive one; but hon. Members would remember that in India a despotic Government absorbed all the independent professions, and admission to the Public Service was really admission to the liberal professions in India. Upon our giving the natives a fair share of the higher offices depended the composition of the Governing Body—whether the people were to be under an autocracy alien in race, language, and sentiment, or whether they were to be at least not worse off than the Russian people, who if they are oppressed, are only oppressed by their own countrymen. This was a most important question, for it constituted an example of the habitual disobedience by the Anglo-Indian Government of the principles laid down by Parliament and the Crown. The Under Secretary had said there might be circumstances under which the principle of absolute impartiality could not be carried out. Was he prepared to repeal the Act of 1833, and to issue a new Queen's Proclamation stating that impartiality should be carried out only when it suited the purposes of the Indian bureaucracy? Lord Kimberley had admitted not long ago that, by the present arrangement as to examinations in London, the Covenanted Service was barred to natives. It was true that in 1870 an Act was passed to enable the

Government of India to appoint natives to any office whatever; but unfortunately the Act was permissive. It placed the power of making rules for the admission of natives in the hands of those who were the rivals of the educated natives, and that made the Act no concession at all, for it only gave the Simla clique additional means of putting their friends into good appointments. It was like giving to Dublin Castle the power to appoint Nationalists. The Indian bureaucracy waited nine years before making any Rules at all, and then they made Rules which perverted the purposes of the Act, and which enabled them to give away to their favourites and *protégés* the good things of the Covenanted Service. It was the re-establishment of jobbery; he had seen it with his own eyes. He was not speaking against individuals, but against the system. It was the interest of the men to behave in this way, and to reward their own supporters, their own favourites, by giving them these appointments. It used to be said that appointments in the Civil Service were worth £10,000 in the old days, and the posts were conferred on the sons and relatives of the bureaucracy. The system was also used for corrupting and undermining the independence of the native community, and, besides, it had the bad effect of discrediting the natives of India, because the Government put in incapable friends of their own, and then they pointed to their failure as evidence of the incapacity of Indians for higher office. As time went on, some further steps were found to be necessary. The best and wisest of all our Viceroys, the Marquess of Ripon, appointed a Public Service Commission, having for its object, not to restrict, but to increase, the advantages of the natives. The object of the Commission was—

"To do full justice to the claims of the natives of India to higher and more extensive employment in the Public Service."

What was the result? This Provincial Service to which reference had been made was established; but, instead of extending or elevating the position of the natives, it was restricted and depressed. Under the Statutory Service, as it was called, the natives of India had access to 220 higher appoint-

ments. By this Provincial Service the natives were restricted to about 180, excluding the highest. They claimed that the Indians should have a fair equal chance of entering the service of their country by the main entrance, that is, by open competition. The Statutory Service opened a sort of mean backdoor to let a few natives into a share of the Government of their country; but the Provincial Service closed even that door. Anyone, therefore, who considered those points would be aware that the principle laid down by Parliament and the Crown had not been carried out with impartiality, and that the recent arrangement, instead of giving ample facilities, had, in point of fact, reduced even the petty advantages which the natives had before in the share of the Government of their own country. It had been said that a certain number of Europeans—Englishmen, Irishmen, and Scotchmen—were necessary in the Government of India. No one denied it, but the natives said—“Do not exclude the people of the country entirely.” If a certain number were required let arrangements be made accordingly. Perhaps it would be a good arrangement if a maximum annual grant for European agency were fixed, and that all other salaries should be given to natives. He appealed to the House and the Government to enforce these great principles which had been laid down distinctly in Acts of Parliament and declarations of the Crown, and not to trust to the Government of India, which was really a clique of officials whose interests were directly adverse to the interests of the Indians who claimed to be admitted fairly and impartially to the service of their country. He objected to permissive legislation in regard to such matters in India. The Government of India said to the Imperial Parliament—“Do not order us to carry out anything, but leave it permissive with us.” The great object of the bureaucracy of India was not to carry out the orders of the Imperial Parliament. At present the officials in India were practically uncontrolled. After being in the official clique at Simla, the heads of that great bureaucracy came to Westminster and formed an Indian Council, which gave the whole tone and colour to the politics of the Indian Office.

Sir W. Wedderburn

Those, therefore, who ought to control the Government of India became merely the mouthpieces of the official classes and of official interests.

*MR. EGERTON ALLEN (Pembroke) said, that as he had resided some years in India, had a knowledge of the natives, and had had considerable experience of examinations of natives, he desired to say a few words on the subject of the Motion. Two opinions had been quoted in the course of the Debate. First there was the opinion of some gentlemen of large experience in India, given in 1860, and which had been described as the Report of a Committee presented to Parliament. He had the authority of the Under Secretary for India in saying that that opinion given in 1860 was not a Report presented to Parliament; that it was not an opinion to be considered and debated in Parliament, but was a mere confidential document presented to the India Office, and devoid of any authority whatever. [“No, no!”] The hon. Member for Finsbury said, “No.” The Under Secretary for India had clearly stated, in answer to a question in the House, that the document was never recorded or discussed officially; it was merely an expression of opinion upon a state of things which existed 33 years ago, but had since been materially changed in accordance with subsequent legislation. But the opinion of the Public Service Commission of 1886-7 was of a totally different character. The Commission consisted of a large body of gentlemen appointed to investigate the question as to the desirability of having simultaneous examinations in India and England, and they reported directly against the setting-up of such examinations. The hon. and gallant Gentleman the Member for Oxford quoted that opinion, and the hon. Member who moved the Motion asked—“Did the Indian Members agree?” and the hon. and gallant Gentleman replied that they disagreed. As a matter of fact there were six Indians on the Commission—three Hindoos and three Mahomedans; the three Hindoos disagreed with the apprehension expressed in a part of the

Report; but the three Mahommedans did not disagree. The Authorities were entirely against the Motion before the Committee, and the only argument left was what was called "the justice of the case." That was an important point, and he hoped the House would give it its consideration. The hon. Gentleman who had last spoken said that those who opposed the Motion were sacrificing the principle of impartiality between Her Majesty's subjects. The burden of the speech of the hon. Member for Finsbury also was that in not allowing these competitive examinations to take place in India they were doing an injustice to the natives of India. He would ask one question—Who were the natives of India? Who, he would add, were Her Majesty's subjects? Why, the natives of India were as diverse as the natives of Europe. They must consider them from the north to the south and from the east to the west, and they would find that if they were to test the natives of India by this competitive examination, they would let in a small section of them and exclude the majority. In fact, that supposed test of impartiality would really be most cruelly partial against the majority of the natives of India. Those who would pass the examination would be almost all Hindoos, and beyond the Hindoos, Parsees; and these were just the class in which it would be most unfair to the rest of the races of India that the power of administration in the country should lie. The whole question of justice and impartiality would take a different complexion if they considered that the natives of India were not homogeneous but extremely heterogeneous. It was not a case of native and European; it was a question of race amongst the natives themselves. Let them consider the nations of Europe, and see how the intellectual test would tell. The successful races would be the more southern, the Maltese, Neapolitans, and Levantines for instance, and were those the races they would put in power ruling over the Northerns, such as the Norwegians and Prussians? He was leaving these islands out of the question altogether. Would they select the effeminate southern or the stronger fighting races of the North of India? If the House con-

sidered that the principles of justice would be violated by allowing the intellectual natives to carry off all the prizes, the effect of the arguments of the supporters of the Motion would be nullified. They were not doing an injustice to the natives of India as a whole by preventing some of them from getting the prizes of the Indian Civil Service. They were not sacrificing the principle of impartiality by ordering that candidates for the Civil Service should be examined in England, because the examination in England did a great deal to retain the standard of real efficiency in the Civil Service of India. He begged the House to believe that he had the strongest sympathy with the native races. He did not believe there was a Member of the House who had as many friends amongst the natives of India as himself. He had not met them in any high official position. He had met them on the ground of his profession, and they had beaten him more often than he had beaten them. No one had a higher admiration for the good qualities of the native races of India than he had, but they were not qualities which fitted them to rule their fellow-men.

*MR. CURZON (Lancashire, Southport) said, that hon. Members on his side of the House had listened with much satisfaction to the statement of the Under Secretary of State for India, which was characterised by the great ability which the hon. Gentleman always displayed on every subject on which he addressed the House. He took a great interest in this question, owing to the fact that during the short term he had held Office he had served under a Secretary of State for India who was responsible for the reorganisation of the Indian Civil Service, which was now being carried into effect. He wished to say that it was undoubtedly the object of Lord Cross to throw open as wide as possible the doors of official employment to natives in India, and to restrict to Europeans those offices only which must be filled by men of wide culture and experience. It might be inferred, from the speeches of hon. Members opposite, that there was a sinister design to

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keep out the natives of India from public employment. But he thought the speech of the hon. and gallant Gentleman behind him showed conclusively that the bulk of Civil and administrative posts were filled by natives. The Motion before the House only affected 950 posts. Who were the men who filled those 950 posts? They were the fine flower of the Administration of India; men of ability, training, and knowledge; men who were the guardians of British interests in India; men who were every day—he might almost say every hour—confronted with serious and grave responsibilities. They were not Englishmen alone. It was perfectly competent for any Indian of the requisite training and ability to join their ranks, and, as a matter of fact, there were several Indians amongst them; but it was obvious that the work performed by the men who filled those posts must be work based upon a knowledge of English institutions, of English history, and English principles of Government. It was not men of educational aptitudes alone that they wanted in India. They wanted persons of high moral character; men with a knowledge of the world; men with self-reliance, and able to grapple with emergencies when they arose; and experience had shown that this ruling type of man was more likely to be obtained by having the examinations conducted in England than in India. Another point was that at the present moment there was ample opportunity for any native of India to obtain any post, however distinguished, seeing that under the Act of 1870 it was competent to the Government of India to appoint any native to any post, however exalted, in the Indian Service.

MR. NAOROJI: That is a dead letter. It is not acted on.

MR. CURZON said, that might be true of the past, but there was no reason to believe that it would not be carried out in the future. The result of holding the examinations in England was that we were able to rule India successfully, and he therefore intended to oppose any change in the present system.

Mr. Curzon

Question put.

The House divided:—Ayes 76; Noes 84.—(Division List, No. 111.)

MR. PAUL: I claim to move that the substantive Question be now put.

Several MEMBERS: I object.

MR. SPEAKER: It is consequential that the words be there added.

Words added.

Main Question, as amended, put, and agreed to.

Resolved, That all open competitive Examinations heretofore held in England alone for appointments to the Civil Services of India shall henceforth be held simultaneously both in India and England, such Examinations in both Countries being identical in their nature, and all who compete being finally classified in one list according to merit.

Supply—Committee upon Monday next.

CIVIL SERVICES, 1893-4 (SUPERANNUATION AND RETIRED ALLOWANCES).

Copy presented,—of Appendix to the Estimate for Civil Services, Class VI., Vote 1, containing a List of Superannuation and Retired Allowances payable on 31st March 1893 [by Command]; to lie upon the Table.

IRISH LAND COMMISSION (PROCEEDINGS).

Copy presented,—of Return of Proceedings during the month of April 1893 [by Command]; to lie upon the Table.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 7) BILL.

Copy presented,—of Memorandum stating the nature of the Proposals contained in the Provisional Order included in the Bill [by Command]; to lie upon the Table.

TRADE REPORTS (ANNUAL SERIES).

Copies presented,—of Diplomatic and Consular Reports on Trade and Finance, Nos. 1216 (Foochow), 1217 (Wuhu), 1218 (Vera Cruz), 1219 (San José), 1220 (Antwerp), and 1221 (Mogador) [by Command]; to lie upon the Table.

House adjourned at a quarter after Twelve o'clock to Monday next.

HOUSE OF LORDS,

Monday, 5th June 1893.

Several Lords—Took the Oath.

COUNTY MAGISTRATES.

RESOLUTION.

*THE DUKE OF RICHMOND moved to resolve—

"That it has been a long-established custom that the Justices of the Peace should be appointed in counties on the recommendation of the Lords Lieutenant; and that, in the opinion of this House, it is highly inexpedient to disturb this usage in any county for the purpose of placing on the Bench Justices whose political opinions are in consonance with those of the Government of the day."

He said he had been induced the more readily to bring forward this Motion in consequence of the deputation which waited on the Lord Chancellor a short time ago, bringing under the noble and learned Lord's consideration the mode in which for hundreds of years Magistrates had been appointed in this country. Personally, he had not a word to say against the Lord Chancellor. The noble and learned Lord had on all occasions treated him with extreme courtesy, and he only regretted that a strong sense of public duty should have induced him to invite the Members of the House of Commons to pass a Resolution setting aside a custom which he did not think anyone believed had been employed prejudicially to the carrying on of the business of the country with regard to Magistrates. If he properly understood the Resolution of the House of Commons, it appeared that in future the Magistrates would not be appointed in consequence of the necessity for them, but mainly owing to the political views they might entertain. He did not think that there was anything which could be so subversive of the good management of the administration of justice in this country than that the Magistrates should in future be appointed in consequence of their political views in place of a recommendation by the Lord Lieutenant to the Lord Chancellor owing to the necessities of the districts to which Magistrates were to be appointed and their fitness for the post.

Nor could he understand how, under the new state of things, the Lord Chancellor was to find out the political opinions of the gentlemen whom he was asked to appoint; nor did he think that anyone in the county was more competent to advise the Lord Chancellor in this matter than the Lord Lieutenant. In his view the appointment of Magistrates and the administration of justice had nothing to do with politics. Speaking for himself, he said that on one occasion, when he had first the honour to be appointed to the Lord Lieutenancy of Banff, the names of several gentlemen were suggested to him as proper persons to be recommended to the Lord Chancellor. He inquired what the peculiar qualifications of the gentlemen were, where they resided, and what need there was for them, and was informed that these suggested Magistrates had been very active in promoting the Conservative cause. His answer was that he was very glad indeed to hear that those gentlemen had been active in the Conservative cause, that he trusted they would continue their good work with as much success, but that it did not appear to him that that was any reason for placing their names on the Commission of the Peace. He had acted on that principle up to the present time. The last batch of Magistrates he had been instrumental in appointing included Unionists, Gladstonians, Conservatives, members of the Established Church, of the Free Church, Episcopalians, and, he believed, in one case a Roman Catholic. The Magistrates were appointed for the administration of justice, in order to see that the laws were properly and fairly carried out. He found, however, that the gentlemen who waited on the Lord Chancellor appeared to lose sight altogether of the fact that the Magistrates were appointed for the administration of justice. Since the passing of the Local Government Act there was very little else for the Magistrates to do. At the deputation Mr. Stansfeld stated that there was discontent and a want of confidence in the present system; that the appointments were at present practically political appointments, confined in the vast majority of cases to persons of one political Party. Among whom was the discontent? Surely not among the prisoners and the defendants who came before the Magistrates? According to

the right hon. Gentleman, it seemed that the Magistrates ought to be appointed in order to gratify the vanity of certain members of the Liberal Party who wished to write J.P. after their names. He could not conceive anything more untenable than an argument of this kind. Was there any want of confidence among the persons brought before the Magistrates? If such persons thought they had not had a fair trial and that the Magistrates were partial, there might be some ground for the statement; but he appealed to any noble Lord who was in the habit of attending Petty Sessions whether or not it was the case that where the prisoners had the option of selecting trial by the Magistrates or of being sent for trial by jury, they did not invariably select trial by the Magistrates then and there? This was a political move on the part of Members of the House of Commons who desired to bring the matter before the Lord Chancellor, so that a great number of Liberal Magistrates might be appointed. There was no desire on their part, and could be none, to improve the administration of justice, because they could not do it. He believed the administration of justice was as perfect as it could well be. He thought they ought to have had some statement made showing how disastrous the state of things was at the present moment, some charge against the Magistrates, some indictment showing that they had not done their duty, and declaring that on that account, therefore, it was full time that a state of things which had existed for hundreds of years should be put a stop to. He repeated, that the administration of justice was as good as anything human was likely to be, and he had a very good witness on that point. He would quote to their Lordships in justification of that statement what the Home Secretary had said. Mr. Asquith said—

"He did not make any charge against the Magistrates. He had an opportunity of seeing a good deal of their decisions, and though mistakes were made, as they must be under the best constituted systems, there was no ground whatever for suspecting the great majority of either partiality or incompetence."

The statement made as to the number of Magistrates belonging to a particular political Party on the County Benches was not always quite correct. In the County of Denbigh it was said that there

were only seven Nonconformists on the Bench. He had it from the Lord Lieutenant of that county that he had gone carefully over the list, and he found there were 22. That was a considerable difference. But he held that there should be no question of politics whatever in connection with the appointment of Magistrates. In Sussex, with which he was intimate, there was no such thing as politics in the matter. Sussex was a Conservative county, and they had for 30 years two Liberal Lords Lieutenant. First they had Lord Chichester, who was succeeded by Lord Hampden, and neither was influenced by any political considerations. They appointed those persons whom they thought properly qualified. If the new system were adopted, persons would be appointed not because they were qualified, but because they were advanced Liberals or advanced Conservatives. Each Party would try to do the best for its own men; and Magistrates would simply be appointed according to the political exigencies of the time. He could not imagine anything more detrimental to the administration of justice than the introduction of politics. No failure had been even hinted at in the present system, which had worked well for generations. He begged to move his Resolution.

Moved to resolve—

"That it has been a long-established custom that the Justices of the Peace should be appointed in counties on the recommendation of the Lords Lieutenant; and that, in the opinion of this House, it is highly inexpedient to disturb this usage in any county for the purpose of placing on the Bench Justices whose political opinions are in consonance with those of the Government of the day."—(*The Duke of Richmond*.)

*THE SECRETARY OF STATE FOR THE COLONIES (The Marquess of Ripon): My Lords, my noble Friend has moved his Resolution in a speech which is marked by all the fairness and moderation which we all know distinguish him; but, at the same time, I think the Resolution of the noble Duke is based on a misconception of the true state of affairs, and certainly of the intentions of Her Majesty's Government. There is no desire to lay down the principle that for the future Justices of the Peace are to be appointed according as they agree or differ from the opinions of the Government of the day. If the noble

Duke looks at the Resolution passed in the other House he will see that it lays down no such principle. What the Resolution of the other House affirms is that there exists at the present time a feeling of dissatisfaction at the fact that there is in the Commission of the Peace generally throughout the country a very small proportion of men holding particular opinions. In allowing the existence of that feeling it is not my intention, nor is it necessary, that I should bring any charge in regard to the course which has been pursued by Lords Lieutenant generally. I have no doubt they have been actuated by the same feeling which actuates my noble Friend opposite and myself—they desired to perform their duties faithfully to the public. But, my Lords, quite apart from the conduct of particular Lords Lieutenant, there have been reasons which have always tended to bring about the state of things complained of. There was in former years, and it still exists to a certain extent, a feeling that County Magistrates ought to be taken from persons of a particular class or of a particular social position. In one respect the appointment of County Magistrates differs from that of Borough Magistrates, because in the case of County Magistrates there still exists the property qualification, which I hope to see abolished—a hope which, I believe, is shared by noble Lords below the Gangway on this side of the House. The effect of the existence of that qualification is to exclude from the Bench some whom it would be desirable to place there. In one part of the North Riding of Yorkshire, for instance, there is a large mining population, and representations were made to me some time ago that the miners were anxious to have one of their own class put on the Bench. I was obliged to tell them in reply that, unless they could produce a person possessing the necessary property qualification, I could not comply with their wishes ; and no such person has ever been named to me. The feeling, of which this incident is an evidence, is quite independent of the action of this or that Lord Lieutenant. This state of things has produced a feeling of dissatisfaction, which is yet on the increase, in the minds of a large portion of the community. It is not necessary to enter into any controversy as to whether the Liberal Party is or is not a majority of the population ;

it will at least be admitted that the Liberals are a large and important portion of the population ; and, at all events, whatever men's opinions may be, the holding of those opinions ought not to have the effect of keeping them off the Bench. If it does, then the result will be to shake the confidence generally reposed in the Magistrates. Among the classes from whom Justices of the Peace have generally been drawn in the past there has recently been a large transference of support from the First Lord of the Treasury to the noble Marquess the Leader of the Opposition. In my own county one-half the Magistrates formerly identified with the Liberal Party have changed their views, and it is that which makes the exclusion from the Bench more felt than it has been before. It is in these circumstances that great dissatisfaction has been expressed ; that strong representations have been made to the Lord Chancellor, and that the other House of Parliament has passed a Resolution in favour of redressing the grievance. The noble Duke asked who are the persons who show a want of confidence in the Magistrates. It is not a question of the confidence of prisoners ; I have no charge to make in regard to the administration of justice against the Magistrates in general ; I quite agree with what has been said on this point by Mr. Asquith. There is a question beyond the confidence of prisoners, on whom sentences may be passed, and that is the confidence of the general public, in the proper discharge of the great and responsible duties of the County Benches. There is proof of a large amount of dissatisfaction with the constitution of the Benches, and that, I think, furnishes a sufficient ground for the consideration of the matter by the Government. I quite agree that appointments ought not to be made exclusively from the supporters of the Government of the day. No such thought has entered into the minds of Members of the Government ; and I am glad to see that noble Lords opposite appear to agree that neither political nor religious opinions, nor social position in itself, ought to be made causes of exclusion from the ranks of Magistrates. There is a strong feeling among a large proportion of the public at present that particular opinions

and classes are not adequately represented on the Bench. That feeling ought to be got rid of; and it is the duty of the Government to take steps to remove that sense of grievance. As to the latter part of the Motion, I quite agree with it; Magistrates ought not to be appointed because their political opinions are in consonance with those of the Government of the day; but when there is an inequality such as is complained of, then there is a balance to be redressed, and I do say that that balance ought to be redressed. As to the first part of the Resolution, I cannot admit that it is a conclusive argument that a custom ought to be adhered to because it has existed for a long time. That argument can scarcely be used by the Opposition, because my noble Friends opposite, in 1888, in creating County Councils, deprived Magistrates of some of their duties without making any allegation against them that those duties had been inefficiently performed. There was no charge, there was no indictment. The late Government distinctly declared that the Justices had administered the County Finances well. A change was then made simply because it was demanded by public opinion. And now we are dealing not with the attributes of Magistrates, but with the manner of their appointment; and, after the great political and social changes which have taken place during the last 20 or 30 years, it is, I think, only natural that the method of appointing Magistrates should be found capable of improvement. Theoretically, as we know, the responsibility for the appointment of Magistrates rests with the Lord Chancellor, but up to the present time the Lord Chancellor has, in accordance with ancient custom, been accustomed to look exclusively to the recommendations of the Lords Lieutenant. It is not surprising, in days like these, with a democratic House of Commons, that a demand should be made that a more direct and tangible responsibility should be thrown on the Minister of the Crown in regard to these appointments. I am quite sure the Lords Lieutenant feel their responsibility to the public in the matter, and I am equally sure the Lord Chancellor will do his utmost to work with them in future. All that is implied in the Resolution, which has been accepted by the Government, is that in

future the Lord Chancellor will examine more closely into the recommendations made, and will not refuse to receive recommendations from other persons than the Lords Lieutenant in regard to the appointments of Justices of the Peace. Beyond that the Government have not the slightest intention of going, and they have not the slightest desire or intention to make the appointments political, and, therefore, if the Motion were pressed I should not vote against it. But the Government believe it to be in the highest degree desirable that the existing public discontent should be removed, and they believe that the result of their action will be not to impair the position of the Lords Lieutenant or of the Magistrates, but to sustain their authority and place it on a firmer foundation.

*EARL COWPER supported the Motion of the noble Duke, and must begin by acknowledging the fair and courteous manner in which the Lord Chancellor had acted in regard to the appointments made in the county with which he himself was officially connected. Everyone admitted that the County Magistrates had discharged their duties well. Complaints, no doubt, were made of the Magisterial Benches in these days as of other institutions, and a so-called society journal had made it a point to publish weekly accounts showing the diversity of sentences passed by the Magistrates at different Sessions. This, however, would apply to the Judges and Stipendiaries as well as to the Unpaid Magistracy. That fact was in no way whatever a reflection on the Magisterial Bench; for the sentence of a prisoner often depended on a variety of circumstances, and not alone on the respective criminality of the offences. If there were time to do so, he could give instances of very unequal sentences passed by the highest Judges of the land for the commission of exactly similar offences. It had been remarked that it was very desirable the public should have confidence in the Magistracy. He concurred with this, and contended that the Bench already enjoyed the full confidence of the country. It had been complained by those who desired to interfere with the present system that a large majority of the Magistrates were on one side in politics. That was so, no doubt; but it was due not to Party political action, but to the fact that the great bulk of the class of

men of leisure and education, who were most qualified and available for Magistrates, happened to be on the Unionist side. As to the alternative proposal of appointing the Magistrates on the recommendation of the County Councils, would that be satisfactory? Look at the way in which the County Councils had exercised their powers. In the London County Council the Aldermen were all chosen from the Radicals. No doubt, in some other County Councils the Aldermen were chosen in quite a different way. A Committee was formed representing both sides, and the result was that half were chosen from each side; but they were the most prominent men, and those who had taken the most active part in elections, so that the appointments were made from extreme Radicals and extreme Conservatives, and the Moderate men were left out. He did not think that this mode of appointment would be at all satisfactory. But bad as it was it would be better than, what he was afraid would happen, their selection by the member or the defeated candidate for the constituency. The Government at this moment were appointing Magistrates under pressure from the other House. They had only a small majority on a most important measure which they were bringing forward, and they could not afford to offend anybody lest they might lose their votes on that and other questions. The Resolution which was adopted by the House of Commons was passed after only three hours' discussion, and it was inconceivable that a Resolution so passed should be considered enough to change the whole practice which had been going on for centuries, although, as far as he could make out, it was contrary to the deliberate opinion of the noble and learned Lord on the Woolsack, the very man who was to put it into practice.

***VISCOUNT CROSS:** My Lords, I think one thing is quite clear from the speech of the noble Marquess opposite, and that is that this matter has been brought to the front because a number of gentlemen, who have done their work very well, have not followed the Prime Minister in the change of front he has made on the Irish Question, and the result has been that the Magistrates who now follow him are a much smaller number than before. However the noble Marquess may vote upon this

matter, and however he may by words deprecate the introduction of politics in the appointment of Magistrates, the whole object of the action of the Government may be fairly described in the words of the noble Duke. It is—

“For the purpose of placing on the Bench Justices whose political opinions are in consonance with those of the Government of the day.”

I do not think I should have interfered in this Debate if I had not had the honour to be, for a long time, connected with the administration of justice in the County of Lancaster; and perhaps noble Lords would like to understand what has taken place in that county, because I think it will show that that has been the whole object of the Chancellor of the Duchy, without any justification. Noble Lords will see as plainly as they can see anything that the sole object of the Chancellor of the Duchy was—

“To place on the Bench Justices whose political opinions are in consonance with those of the Government of the day.”

The noble and learned Lord on the Woolsack, if he accepts this power in consequence of the vote of the House of Commons, will, I think, find the pressure put upon him extremely unpleasant. I have here a Report of the number of Magistrates appointed since 1850 to 1870, and, before quoting from it, I will mention that the “waste,” so to speak, on the Magisterial Bench in the County of Lancaster is, on an average, 25 or 26 annually. In 1852 a change began to take place. In any observations I am about to make I will not impute blame to one Party more than the other. The Party with which I have the honour to be connected has been just as much to blame as the other. In the year 1852, when Lord Derby came into power, the number of appointments to the Magistracy was raised at once to 36. When Lord Aberdeen came into power in December, 1852, the number of appointments was 31. But later on this practice of increasing the number of appointments grew very much, especially after Elections. There was a change of Government in 1858, when Lord Derby came in a second time, and the number of appointments rose to 65 immediately. There was a change of Government also in 1859, when Lord Palmerston succeeded to Office, and then the number of appointments was 44, whereas 20 would

have been ample at that time. So matters went on, with an average of from 20 to 22 appointments, for the next six years, until again there was a change of Government. Lord Derby came into power in 1866, when 54 Magistrates were appointed, and the next year 66 more were nominated. At the end of 1868 there was another Election; the present Prime Minister came into Office; and in 1869 the number of appointments of Magistrates, instead of being about 22, at once rose to 107.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Earl of ROSEBERY): Were those the figures for 1868 or for 1869?

VISCOUNT CROSS: Those figures were for 1869, the Elections having taken place in the November of the year before. The matter seemed to be so serious at that time that the late Lord Derby, who was then Chairman of Quarter Sessions at one end of the county, with Colonel Wilson Patten and myself as Chairman at the other end, went to the Chancellor of the Duchy (Lord Dufferin) and pointed out to him the state of affairs. We found the Chancellor of the Duchy perfectly alive to the evils of the appointment of Magistrates under the pressure of political Parties. The result was the Memorandum of 1870, by which it was directed that in future the Magistrates for the County Palatine of Lancaster should be appointed by the Chancellor of the Duchy on the recommendation of the Lord Lieutenant of the County Palatine as was done in other counties. That Memorandum was approved by the Government of the day, Mr. Gladstone, of course, being privy to the whole matter. The result has been that the average number of Magistrates appointed from 1870 to 1892 was about 26 every year. At the first great Election afterwards in 1874, at a time when the Chancellor of the Duchy would no doubt have been pressed to make an enormous number of political appointments—under the old system, the Lord Lieutenant made 27 appointments, which was about the average. In the year 1880, which I have every reason to remember, because I had to contest the South-West Division of Lancashire when the present Lord Lieutenant of the county and the late Lord Derby used all their legitimate political influence against me—the year Mr. Glad-

stone came into Office. But that did not make the smallest difference in the number of Magistrates appointed. The Lord Lieutenant of the county only recommended, or the Chancellor of the Duchy only appointed, 20 Magistrates in 1880 and 25 in 1881, and there was no great increase in the appointments either in 1885 or in 1886. I think I have proved that before 1870 the Chancellor of the Duchy had under political pressure appointed more Magistrates than were wanted, and that those Magistrates were selected from his political friends, and that from 1870 to the present time the Lord Lieutenant has never allowed Party considerations to influence his appointments, and I have never heard up to the present moment a single complaint made against those appointments. Now I come to what started the Chancellor of the Duchy upon the extraordinary course of procedure that he has taken. A Memorial was sent to the present Chancellor of the Duchy, signed by a number of gentlemen, in which they called attention to the political and social disability under which the Liberals of the County of Lancaster suffered in respect of the appointment of County Magistrates. All of these gentlemen were extreme Liberals and supporters of the present Government, and were connected with the great towns, and not with the county districts. The Chancellor of the Duchy then communicated with the Lord Lieutenant of the county, and pointed out to him that the great preponderance among the Magistrates of gentlemen belonging to one political Party—that which supported the late Government—was complained of in some quarters, and that strong dissatisfaction was expressed with that preponderance. The right hon. Gentleman, in that communication, went on to say—

“We must all unite in desiring that politics should have as little as possible to do with appointments to the Bench; but when a glaring disparity exists, and has long existed, it is natural that those excluded should feel aggrieved and suspicious; nor are they consoled by being reminded that the fact is probably due, in many or most instances, to the tendency of the existing Magistrates in each locality to recommend for appointment their own personal and political friends.”

That was a very serious charge to bring against the Lord Lieutenant, especially when it was within the knowledge of

the Chancellor of the Duchy himself, because he goes into the figures, that for the first 15 years of the Lord Lieutenancy of Lord Sefton the percentage of Liberals to Conservatives varied from 45 to 55 per cent. What more could be required? It really points only to the fact that the majority of the Liberal Magistrates had ceased to follow Mr. Gladstone in his present policy. The Chancellor of the Duchy then points out that there were now on the County Bench 142 Liberals as against 522 members of the opposite Party; but as I have said, the reason is that the vast majority of the Liberal Magistrates had ceased to follow the Prime Minister. The right hon. Gentleman also says this proportion is very wrong, because in many cases, as appears from the representation in Parliament, more than half the population is of one political opinion, while the Magistrates are almost exclusively of another, and he concludes his letter as follows:—

"I therefore append the names of 39 gentlemen distributed under 10 Petty Sessional Divisions, and hope that your Lordship may see fit, if satisfied as to their competence, to recommend them to me for appointment according to the custom followed of late years."

That is an attempt practically to swamp the Bench with the supporters of the Government. It was not likely that the Lord Lieutenant would agree to that course, and I think his answer was a very dignified and proper one, and expressed in suitable language. He says—

"Before 1871 the appointments had been made for many years almost entirely on political grounds, and as rewards for Party services, and so the change became almost absolutely necessary. I have always looked upon the nomination of the Justices as a trust conferred upon me by all political Parties, and I have never abused that trust during the last 22 years by nominating a single Magistrate on political grounds. When additional Justices have been required I have always endeavoured to find the most suitable candidates in the different districts without inquiring to what political Party they belonged. At the present time there is no demand for any substantial addition to the Magisterial Bench; and I understand that your request that I should at once nominate 40 Magistrates is not based upon any such demand, but solely and alone because you desire that 40 gentlemen who are supporters of Mr. Gladstone should be nominated by me."

The last sentence of the Lord Lieutenant's letter is one which, in my opinion, deserves a very different answer

to what was given to it. He goes on to say—

"I desire to add that, if any representation be made to me that additional Justices are required in any district, I will gladly consider the competency and claims of the gentlemen whose names you have submitted to me, without the slightest reference to their political opinions."

The answer the Lord Lieutenant got was one which, I think, ought not to have been written by any gentleman in the position of the Chancellor of the Duchy. The right hon. Gentleman says—

"While receiving with pleasure your Lordship's assurance that you have not desired to allow Party considerations to influence your choice of nominees for the County Bench, I must nevertheless observe that the disparity mentioned in my former letter cannot, in such a county as Lancashire, where, in both Parties, there are plenty of fit men possessed of the requisite qualification, be regarded as accidental. It must, therefore, apparently be ascribed to the action of the local Benches, the Tory majorities in which seem (with one or two exceptions) to have been in the habit of recommending to your Lordship their own political friends and associates, prolonging and increasing by this method of co-optation the disparity referred to. Thus the appointments, whatever the cause, have, in point of fact, had a strong political colour; and I regret to notice that your Lordship does not appear to recognise the injury to the Bench which that colour cannot but involve."

The Lord Lieutenant had stated over and over again that he had never made political appointments. I sat on the Bench for many years, and the question which the Lord Lieutenant always asked before making appointments was, "Are the Magistrates wanted?" I would ask, Who are more likely to know whether they are wanted or not than those who perform the actual work of the day? The Lord Lieutenant does not take the names that are sent by the local Bench without making strict inquiry in order to see whether, in his judgment, the gentlemen suggested are fit for the Bench or not. The Chancellor of the Duchy had no right to pen such a letter to the Lord Lieutenant, and I hope that the right hon. Gentleman's action in the case of Lancashire may be reversed, because the present system has tended not only to the excellent manner in which the duties of the Bench have been performed, but to the exclusion of political feeling from the body of Magistrates themselves. I think I have shown your Lordships what the effect of introducing political opinions has been in the old time in the County

of Lancaster, and I take that as an example of what must happen if the Lord Chancellor should follow the practice he has suggested—that is to say, that memorial after memorial will come to him from political Parties, and he will find himself in the greatest difficulty when he comes to make appointments not recommended to him by the Lords Lieutenant.

*THE EARL OF SEFTON said, the fact that he was to be handed down to posterity by Mr. Bryce as the black sheep of Lords Lieutenant only concerned himself and that right hon. Gentleman, and he would not occupy time by referring to any personal grievance; but the step which has been taken by the Chancellor of the Duchy was a most serious matter for Lancashire; it was far too serious a matter ever to have been dealt with as a Departmental question at the Duchy Office by a Minister of a few months' standing. It ought to have been fully considered, and every Member of the Cabinet made responsible for so great a change. The Memorandum of 1870 transferred the power of nominating Lancashire County Justices from the Chancellor of the Duchy to the Lord Lieutenant. This transference was approved and sanctioned by the Prime Minister, Mr. Gladstone; it was backed by Lancashire's great leader and statesman, Lord Derby, who then led the Opposition in this House; it was originated by Lord Winmarleigh, far better known as Colonel Wilson Patten, who for upwards of 50 years was connected with everything that concerned the interests and well-being of Lancashire, and who was most justly respected by all classes, and by men of all political parties; it was also approved by the noble Earl who for so many years led the Liberal Party in your Lordships' House. It is hardly right for Mr. Bryce to say that this Memorandum rests only upon a voluntary concession of one of his predecessors, and it was intended to place Lancashire permanently on the same footing as other districts with reference to the appointment of Magistrates. The Chancellor of the Duchy would have acted more wisely and far more fairly to Lancashire if he had waited and followed the Lord Chancellor in any changes which it might be thought desirable to make. There were other

portions of the country where the supporters of the Government were in a minority on the County Bench. The Chancellor of the Duchy asked him to nominate 39 County Justices, not because additional Justices were needed in any division of the county, not because there had been any irregularity in the attendance of the existing Justices, not because there had been maladministration of justice, but simply because the right hon. Gentleman had been informed that among the Lancashire Justices there were few supporters of the Government. In the Memorial an accusation was made that he was abusing a great trust. A more false, a more indefensible statement could not well be made. During the 35 years of his Lord Lieutenantcy he had never made a single appointment on political grounds, and since 1870 he had never nominated or refused to nominate a County Justice on political grounds. He did not think any noble Lord would say that if he had occupied a similar position he would have complied with the Chancellor of the Duchy's request, and he doubted very much whether the right hon. Gentleman himself ever imagined for one moment that he would lend himself to such a transaction. Mr. Bryce's letter was a courteously worded, but formal notice to quit. It might be possible to find or create some better authority than the Lord Lieutenant for the appointment of Magistrates; it might be desirable to do away entirely with the "great unpaid" and to appoint Stipendiary Magistrates in every Petty Sessional Division; but surely it was undesirable that the appointments to the Lancashire County Bench should again be used for political purposes as undoubtedly they were before 1870. Many appointments were at that time made on the recommendation of Political Agents and of the Whips of the Party in power. A seat on the County Bench, or, rather, the right to place the letters "J.P." after the name, was given away right and left as the reward for past services or the promises of future support. A Chancellor of the Duchy in one of Lord Derby's Administrations was stated to have created as many County Magistrates as he had been days in Office; his successor lost no time in liberally qualifying those appointments. It was said there were as many County Magis-

trates as county police. Was it desirable that these appointments should be used for political purposes? The power of nomination was granted to him by Mr. Gladstone in 1870 virtually on the condition that it was not to be used for political purposes. That power had now been taken away in 1893 by the same Prime Minister, because he had refused to make these 39 political appointments. He admitted willingly that three months ago Mr. Gladstone knew nothing of Mr. Bryce's proceedings, but since then the question had been raised in the other House. Mr. Gladstone was present; he took no part in the discussion; silence gave consent. He missed that evening the assistance—and Lancashire will miss the advocacy—of the noble Earl who so lately led the Liberal Unionist Party in their Lordships' House. Lord Derby had been Chairman of Quarter Sessions in Lancashire for many years. That noble Lord knew Lancashire well, and noble Lords on both sides would admit that no better opinion and higher authority could be quoted on a subject of this kind. In Lord Derby's last letter to him—probably the last letter the noble Earl ever wrote, or, rather, dictated on any county or public question—he condemned the course taken by Mr. Bryce. All who had appointments in their gift, all who had responsibilities so often and so erroneously called "patronage" occasionally made mistakes which unfortunately it was not in their power to correct. He claimed no exemption to that rule. Mr. Bryce had made a very grave mistake in this matter, of which by this time he must be perfectly well aware; but was it too late for the right hon. Gentleman to admit and correct that mistake? He appealed to his noble Friend the Leader of the House—he appealed to the noble Lords who sat beside him—to use their influence with their Colleague to induce him to replace the Memorandum of 1870 on the table of the Duchy Office, and so prevent a very great wrong being done to a great county.

*THE EARL OF SELBORNE: My Lords, I do not wish to detain your Lordships for more than a very few minutes; but having for some years had the honour of filling the position now so worthily occupied by my noble and learned Friend on the Woolsack, I should

like to speak of my experience on this subject. The noble Marquess (Lord Ripon) rightly said that the practice as to the appointment of Borough Magistrates is different from that in regard to County Magistrates; and I venture to say that there was no more difficult or unsatisfactory part of the duty of the Lord Chancellor in my time than that which related to the appointment of Borough Magistrates. There was constant pressure to obtain appointments for every reason except the fitness of the persons recommended for the performance of judicial duties, and most especially for political reasons. One manifest evil is the constant tendency to an undue increase in the number of Magistrates. I found, in consulting the Borough Bench and the Municipal Authorities, as I was in the habit of doing, no indisposition to give information as to objections to particular names when not recommended by themselves, but at the same time to suggest a long list of their own, which had to be sifted in the same way; and it was my experience that if there was a man objected to on substantial grounds of unfitness, that was the man for whose appointment the greatest pressure was generally used by the parties who brought him forward. In the counties, on the other hand, the Lord Chancellor was saved from all those difficulties by the practice of receiving the recommendations of the Lords Lieutenant. Only twice during the time when I held the office was any complaint made of exclusion by any Lords Lieutenant either of classes or of persons in any county. One of those complaints was made immediately after a General Election by a defeated Liberal candidate; but no facts were brought forward to justify the complaint; and the Lord Lieutenant assured me that he never excluded any man or recommended any man for sectarian or political reasons. I quite agree that no man should be appointed to such an office except with the view to the proper administration of justice, and certainly no man otherwise fitted by character and education should be excluded for sectarian or political reasons. If any Lord Chancellor had reason to believe that there was ground for inquiry he would make it, and would certainly not be content to follow the judgment

of the Lord Lieutenant if, upon making that inquiry, he found that the Lord Lieutenant had acted upon any wrong principle of exclusion. The only other complaint made to me was as to a particular individual, to whom, as far as I know, there was no objection, except that, in seeking the honour which he desired, he had not conducted himself with perfect discretion. I inquired into that case; but the Lord Lieutenant satisfied me that there were grounds which warranted him in not recommending that gentleman. Those were the only instances of complaints of the manner in which the Lords Lieutenant did their duty made in my time. I quite agree with the noble Marquess that the fact of this being a long-existing practice would be no reason for its continuance, if justice would be likely to be better administered by a departure from it; but I am thoroughly convinced that the contrary is the case, and that there will be pressure brought to bear, which the Lord Chancellor will find it most difficult, if not impossible, to resist, on Party grounds, for making appointments which are not necessary to be made for the proper administration of justice, and which, when made, will not be conducive to the administration of justice. There are many bad ways of appointing Judges and Magistrates; election is one of them; but Party nomination is worse.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of Kimberley): My Lords, my noble Friend who spoke last but one (the Earl of Sefton) made an appeal to me, and I gather from what he said that he was under the impression that Mr. Gladstone and his Colleagues were not responsible for the course taken by the Chancellor of the Duchy of Lancaster. Now, I beg to assure him, whether right or wrong, the Prime Minister and the rest of his Colleagues are entirely responsible, with Mr. Bryce, for the course he has taken. The matter was considered before Mr. Bryce proceeded in it, and the course taken was approved of by his Colleagues. Having said that, before I proceed any further I wish to express my sense of the extremely temperate and fair manner in which my noble Friend made his statement. He might naturally feel personal irritation with the course taken

with regard to the county of which he is Lord Lieutenant; but while he expressed clearly and strongly his view of the situation, he showed that he could rise superior to all personal considerations and that he based the matter entirely on broad public grounds. In his letter to the Lord Lieutenant on the 18th January, in reference to Lancaster, Mr. Bryce, after describing the state of things with regard to the local Bench as deplorable and prejudicial to the confidence of the people in the administration of justice—the people being about equally divided between the two Parties, and the Magistrates being drawn, to a large extent, from one Party—added—

“Your Lordship will, I trust, agree with me that this is a real evil which it is desirable to remedy.”

Now, unfortunately, my noble Friend did not agree with Mr. Bryce, and I am myself rather surprised that he did not agree with him. If he had, no doubt he would have taken steps to remedy this undoubted evil. It is all very well to say that they must appoint fit men; no one will dispute that: but if you shake the confidence of the people in an institution, that institution will inevitably be doomed; and I warn noble Lords that it is my opinion if that confidence is forfeited the whole institution of Unpaid Magistrates will be seriously endangered. That being the case, we must look a little further, and see that the authority of the Bench is not disparaged by appointing Magistrates at variance in political opinions with large masses of the population. It is no use your saying that the people ought not to be dissatisfied—that may or may not be the case. It may be that there ought to be perfect confidence in the Magistrates. I have the honour to be a Justice of the Peace, and I believe the Justices of the Peace do their duty honourably and fairly. I never agree with those disparaging comparisons which are made between the Unpaid Magistrates and the Stipendiary Magistrates in this country. Except upon the point of legal knowledge, the conduct of the great majority of Unpaid Magistrates compares perfectly well with that of the Stipendiaries; but as I said before, they must command the general confidence of the population. I say that the existing state of things is such that confidence is

impaired. I regret it not merely because there happens to be this disparity in regard to political opinion, but because I think it unfortunate that there should be a change in the system of appointing the Magistrates. It was far better that the thing should have gone on as before, the Lords Lieutenant making recommendations and the Lord Chancellor, if he thought proper, adopting them. There is, I think, great danger if any Representative of the Government of the day, however upright or impartial he may be, is to interfere in this matter. It seems to me that there may be possibly appointments made with too much regard to political opinions; and that, even if that is not the case, the Lord Chancellor of the day may be accused of having taken that course. On the other hand, it is evident that there is an evil to be redressed, and I do not know of any way in which it can be redressed except that which has been adopted. It has been admitted by my noble and learned Friend, Lord Selborne, that interference might be justifiable, because it appears he thought it his duty, when representations were made to him, as Lord Chancellor, that there had been an exclusion of certain persons from the Bench on the ground of political opinions, to make a representation to the Lord Lieutenant and to investigate the case, and, if there had been truth in the allegations made, he, as Lord Chancellor, would no doubt have interfered to redress what he considered to be an evil. That shows that, in the opinion of the noble and learned Lord, there might be cases in which the Lord Chancellor would be called upon to interfere. Now we have a case upon a large scale—it is a question not of a few only, but of a very large number. In my own County of Norfolk the Lord Lieutenant was a Liberal and is now a Liberal Unionist, and a fairer man than Lord Leicester I am sure does not exist. There are over 200 Magistrates in the county, and I am informed that only 15 belong to the same Party as myself. I perfectly admit you could not make a complete balance in a county like Norfolk; but in Lancashire it is different. I admit that in my own county, with so large a disparity, it is not possible to restore the balance completely. There are not in Norfolk, as there are in Lancashire, a large number of men well

qualified to be Magistrates who hold the same opinions as the present Government. The disparity arises in most cases from the custom of Lords Lieutenant to take what appears to be a fair course by consulting the Magistrates of Petty Sessional Divisions. Those Magistrates are already a majority of one section; it is only natural that they, when they are asked to nominate, should recommend their own friends. In that way it has happened that a Lord Lieutenant may not really have exercised his own judgment and discretion, but has accepted the names which have been sent to him. That is, no doubt, why you find such great disparities in some counties; and where they exist it is wise and politic on the part of the Lord Lieutenant deliberately to take into account the state of political opinion in the county and to endeavour to find fit and proper persons to strengthen the minority on the Bench. It is, I maintain, the duty of Lords Lieutenant to select fit and proper persons, having due regard to the state of opinion in the county and the representation of that opinion on the Bench. I think it will be admitted that in doing that they would be doing what was fair, wise, and desirable; and that is all that the noble Lord on the Woolsack desires to do. The only principle to be laid down is that you should, as far as possible, maintain a fair balance. If there is not a sufficient number of Conservatives on any Bench the noble and learned Lord would, I am sure, regard it just as much his duty to suggest that Conservatives should be added as he does now to suggest that Liberals should be added to the County Benches. That is the reason why the Government could not vote against the Resolution, because they deny altogether that they have disturbed the existing usage for the purpose of placing on the Bench Magistrates of their own political opinions. Since the disruption of the Liberal Party in 1886 I am informed that, of the new Magistrates in Lancashire, 80 per cent. support the present Opposition and 20 per cent. the present Government. If that is correct the disproportion to the state of political Parties is so marked that it is not at all surprising it provokes criticism. I sincerely trust that this will not be made a question of Party politics. The only way in which you can keep it out of the region

of Party politics is by the Justices, who are in a majority as regards their politics, taking care that in their recommendations to the Lords Lieutenant there shall be no exclusion from the Bench of any one on account of political opinion or social position. If you will take care that there is a fair distribution of appointments you may bring about, I do not say a perfect balance—I do not believe that to be possible—but a redress of existing disparities. If you show a willingness to make a fair use of the advantageous position you hold and allow a sufficient number of Liberals to be on the Bench, you will not find this matter becoming one of Party politics; but if you do not do this, it will become a question of Party politics whether you like it or not, and it may be dealt with in a way that will be extremely distasteful to you and disadvantageous to the whole institution.

THE DUKE OF DEVONSHIRE: My Lords, I should like to say a few words on the remarks just made by the Leader of the House. He appeared to rest his justification of the action of the Chancellor of the Duchy of Lancaster upon the assertion contained in the right hon. Gentleman's letter to the Lord Lieutenant, that the composition of the Bench in Lancashire impairs public confidence in the administration of justice. I have no doubt that the Chancellor of the Duchy made the statement repeated by the noble Earl; but I want to know upon what foundation the statement rests? I can only say that, if that want of confidence in the administration of justice does exist, its existence is only of very recent growth. For a very long period, with certain intervals, I had the honour of being one of the Liberal Representatives of Lancashire. I can safely say that, during the whole of my experience in that capacity, I never heard a word suggesting want of confidence in the impartiality of the Lancashire Bench on the ground that has been taken by my noble Friend. I have, as a Lancashire Representative, been exposed from time to time to rather pressing solicitations from some of my friends to urge the claims of certain gentlemen for appointment to the Lancashire Bench; but the pressure was applied to me solely and avowedly on political grounds. The appointment of such-and-such an individual to the Bench has been pressed

upon me simply as a reward for political services. It has never been suggested to me that there existed in the county any sort of want of confidence in the administration of justice on account of the political one-sidedness of the Bench. Perhaps the Chancellor of the Duchy relies for support of his assertion upon the Memorials which have been presented to him. We have a specimen of one of these Memorials, which is actuated evidently by nothing whatever except strong Party feeling. If this action is justified, in the opinion of the Chancellor of the Duchy, on the ground that want of confidence exists in the administration of justice in Lancashire in present circumstances, he has entirely failed to point out how that confidence is going to be created, or how any confidence is going to be maintained, if we are to revert to the system of appointing Magistrates which has been described in so much detail by the noble Lord opposite this evening. Does the noble Earl really imagine that more confidence will be felt in the administration of justice by Magistrates who are appointed in batches, before or after each General Election, avowedly as a reward for political services, than is felt in the administration of justice by a Bench composed as it now is? I think it is very fortunate that we should have had placed before us so clearly and distinctly as has been done in the course of this discussion what will be the probable results of a general change in the system of appointment to the County Bench as exemplified so clearly to us by what has taken place in Lancashire. I am glad the House and the country have had this opportunity of seeing an example of what is in store for every other county of the United Kingdom. I understand it is not the intention of Her Majesty's Government to divide the House upon this Motion. The noble Marquess who spoke first left that point in doubt; but I understand from what has fallen from the noble Earl it is not his intention to divide. But I hope that this Debate will not close before we have an opportunity of hearing from the noble and learned Lord on the Woolsack what is the action which he intends to take in consequence of the Resolution passed by the other House on his own invitation. I do not deny that this is not only an important,

but a very difficult problem. I do not assert that the composition of the Bench is in all cases satisfactory ; but I do not think the speeches which have been made from the Ministerial Bench altogether show that the difficulties of the situation are adequately appreciated by Her Majesty's Ministers. Much has been said about the preponderance of certain political opinions on the Bench. I doubt very much whether that is a very serious evil. Up to the present time I have never come across anyone who felt a want of confidence in the administration of justice at Petty Sessions by the Magistrates on account of their political opinions. But if it be an evil, it cannot be remedied by changing the system of appointment so long as the practice is maintained of selecting as Magistrates gentlemen of a certain social position. So long as that practice is maintained, it is absolutely impossible to redress the disparity which no doubt exists under present circumstances in regard to political opinions upon that Bench. For myself, I would—and I think a great many other Lords Lieutenant of counties would—regard with a perfectly impartial and open mind any proposal for a change of system in looking for Magistrates from classes somewhat different from those from whom they have hitherto been selected. But I do object to recommend persons as Magistrates because they happen to be Liberals, when I should not feel justified in selecting them if they were Conservatives or Liberal Unionists. I am not at all convinced that it may not be possible to find many persons outside the ranks of county gentlemen or successful manufacturers who would with perfect fairness and intelligence discharge the duties of County Magistrates. The only difficulty would be to get persons who would have the necessary qualifications. It is not always possible to find men with the necessary qualifications in the social position from which Magistrates are now chosen, and, of course, the difficulty would be immensely aggravated if the inquiry had to be made among men who were less conspicuously before the public eye. I confess, myself, if I were to look to the appointment of persons from other classes, I think the difficulty which I should encounter in obtaining the necessary information would be considerable, and I cannot conceive how the Lord

Chancellor or any other authority could obtain more accurate information. The difficulty is to abolish the property qualification, and certainly, if it is the opinion of Parliament—and Parliament has the means of expressing its opinion on the subject—that the property qualification should be abolished, I should be prepared to do my best to meet that expression of opinion so legitimately made. But I should decline, under any circumstances, to act upon a Memorial emanating from political friends, or promoted solely by political Parties, and to take on trust qualifications which I had no means of satisfying myself were possessed by the persons so recommended. In the course of the Debate we have not yet succeeded in obtaining a clear and distinct intimation whether it is the intention of the Lord Chancellor to imitate the action of the Chancellor of the Duchy, and whether he intends to supersede the Lords Lieutenant in the discharge of their duties, and undertake to remedy the existing disparity by a series of appointments made upon political grounds only. My noble Friend, Earl Cowper, expressed his opinion that the Lords Lieutenant ought, whatever action may be taken by Her Majesty's Government, to give their best assistance in the selection of County Magistrates.

EARL COWPER : I did not mean to say whatever action might be taken. I only meant under certain circumstances. I do honestly believe the present Lord Chancellor would endeavour, as far as he could, to stem political jobbery.

THE DUKE OF DEVONSHIRE : I do not wish to express any final or conclusive opinion as to what the action of Lords Lieutenant ought to be in such a case. But I doubt very much whether it would be to the public advantage that we should continue to share the duties and responsibilities of making these selections between ourselves and the Government. I do not think that the power of recommending to the Bench as now proposed is one that will be agreeable to the country. As far as my experience goes, the power of appointment is one which involves a great deal of trouble, and it is in some cases an invidious one. I am willing, so long as the present mode of appointment prevails, to do my best to make suitable selections ; but if it be the opinion of

Her Majesty's Government and the noble and learned Lord on the Woolsack that the present system is not conducive to the public advantage, and does not secure general confidence in the administration of justice, it is absolutely within their own power to put an end to it, and to undertake the duty and also the responsibility of making the selections. I doubt very much whether we should interfere with that responsibility, and I am very much inclined to say—though I do so without consultation with any one of my friends—that, if the Government should think it necessary on their own responsibility to remedy the political disparity which they think so great an evil, we should not continue to exercise any power of selection or to incur any responsibility whatever in the matter.

*THE DUKE OF WESTMINSTER, speaking as a sort of double-barrelled Lord Lieutenant, said his own practice had been to make the necessary inquiries into the fitness of candidates for the post of County Magistrate, and, having done so, had deferred to the opinion of the local Benches. He ventured to think that so long as the present mode of selection continued, where there was a large preponderance of one political side upon the Benches, politics must unconsciously have a great effect on those appointments. He felt convinced that there was a considerable body of the public who were not satisfied, and he was not satisfied himself, with the large and preponderating representation of the Conservative Party in politics on the Bench. He believed that character and intelligence were not confined to one Party in the State. He thought it very desirable that the House and the country should know what the Government proposed to do in the matter, and whether the Lord Chancellor intended to adhere to the declarations he had made, especially to the statement he made on April 21, in answer to the Duke of St. Albans in that House, that nothing would induce him to refrain from consulting the Lords Lieutenant on these appointments.

THE LORD CHANCELLOR: My Lords, I doubt whether the discussion which has taken place to-night will tend altogether to allay that dissatisfaction which, in spite of all that has been said, I am satisfied does exist among a con-

siderable class of the community in many parts of the country with the present system of appointing Magistrates and with the appointments that have been made. Several Lords Lieutenant have spoken of the knowledge which they have in their own particular counties, but I think your Lordships must admit that one who fills my position, and who for several months has been forced to make careful inquiries into the matter, is likely to have a more extended knowledge of the state of things in the counties of England, Scotland, and Wales than any of the noble Lords who have addressed you. When it is said that no dissatisfaction exists, all I can say is that I am constantly receiving expressions of dissatisfaction, and not from persons who expect appointment themselves—independent complaints of the present state of things in many counties which I think, in the existing circumstances, are only natural. I have said that I doubt whether this discussion will allay that dissatisfaction, because it seems to me that the noble Lords who have spoken appear to regard it as a matter of not the slightest moment or importance that the great majority of the Magistrates should be on one side in politics, while the great majority of the people among whom they officiate are of the opposite opinion. The noble Duke who has just spoken has not indicated that he shares that view; I refer to most of the other noble Lords who have addressed you. The majority of the Magistrates share the political views of those noble Lords, but I feel sure those noble Lords would not dream of being satisfied with a system in which the majority of the Magistrates held political views contrary to their own. It is easy enough for those whose political views are shared by the vast majority of the Magistrates in the country to be perfectly satisfied with the existing system, and it may be natural that they should complain of the action of those who are not satisfied. But, in my opinion, the dissatisfaction which prevails is perfectly natural and reasonable, and I maintain that so long as the Bench is largely filled by men of one political Party that dissatisfaction will continue. It is not necessary or desirable for the administration of justice that such a state of things should exist. The question is not whether the prisoners tried by the

Bench are satisfied or not ; all prisoners, if convicted, would probably be dissatisfied with the Bench, whoever tried them ; but what is desirable is that the general mass of the people should believe that justice is fairly and equitably administered. I have received communications which have satisfied me that that is not now the case in some parts of the country. I maintain, therefore, that a fair distribution and representation of Party politics on the Bench is desirable in the interests of the administration of justice. Any action of mine in appointing to the Bench men who may happen to share my own political opinions will not be taken because they hold the same views as myself, but because I think that a fair and proper representation of political opinion is expedient, and if the same state of things in any county were to exist with regard to the Conservatives as now exists with regard to the Liberals, I should appoint Conservatives for the same reason. I should deal equally with both Parties. It has been suggested that the difficulty has only arisen on account of the split in the Liberal Party six years ago. I do not doubt that the complaints have become greater and the feeling stronger than they were before ; but I attribute that largely to the action of Local Government in the counties and the large number of persons who have been brought into public life who never took part in it before ; and there has been a strong opinion expressed that many men who have shown themselves to be efficient public servants in the County Councils would render equally good service on the Bench. Noble Lords are mistaken if they imagine for a moment that this feeling is confined to Liberals. I have had communications from Conservatives on the subject, and they have represented to me that excellent men of the description I have mentioned have been kept off the Bench by the Lords Lieutenant. I will call attention to a few figures without mentioning the names of the counties. In one county there are on the Bench 140 Conservatives, 20 Liberal Unionists, and 23 Liberals.

THE MARQUESS OF SALISBURY : Would the noble and learned Lord inform us from what source he obtains his information ?

THE LORD CHANCELLOR : I have tried to get it as accurately as I

can, and I believe it to be as nearly correct as can be. I do not, of course, give it as absolutely accurate. But I may say that I have thoroughly verified at least some of these figures, and I am satisfied they may be relied upon. In another county there are 213 Conservatives, 21 Liberal Unionists, and 12 Liberals ; in a third county 203 Conservatives, eight Liberal Unionists, and seven Liberals ; and in a fourth 120 Conservatives, 21 Liberal Unionists, and three Liberals, and this last county is one in which the majority of the electors voted for Liberal candidates at the last General Election. It is not only natural but inevitable that dissatisfaction should prevail under such circumstances. I do not believe, from information that has come to my knowledge, that there would be any departure from the usage—which, it is said, prevailed for centuries—if the Lord Chancellor, after communicating with the Lord Lieutenant to suggest names, and the Lord Lieutenant cannot give any sufficient reason for refusing to put men on the Bench, should put them on himself. It is somewhat difficult to find out what has been done by my predecessors, for there are no records in the office. But I have lately seen a correspondence which passed in 1835 between the Lord Lieutenant and Lord Plunket, who was then Lord Chancellor of Ireland, and I wish to call your Lordships' attention to the following passage, because it refers to what was the practice in this country as well as in Ireland :—

"I think it necessary to add," Lord Plunket said, "that where after communication has been made on the subject the Lord Lieutenant of a county refuses to give sanction to an appointment of a Magistrate recommended to the Lord Chancellor, I consider it the right and duty of the Lord Chancellor, if he is of opinion that there is no sufficient reason for withholding such appointment, to make the appointment on his own responsibility, and that such has been the avowed opinion and practice of the persons holding the Great Seal both in England and this country."

It is evident from that that it has been the practice for the Lord Chancellor to suggest names for Magistrates to the Lord Lieutenant ; and if the Lord Lieutenant gave no sufficient reason, then for the Lord Chancellor to appoint them, notwithstanding that the Lord Lieutenant refused to sanction the appointment. Therefore, so far from departing from

the ancient usage in this matter, it appears to me that I am really asked to return to the ancient usage. I have no doubt that the habit of leaving the matter to the Lord Lieutenant is a modern usage, and I am very strongly confirmed in that opinion by the statement to which I have just called your Lordships' attention. The noble Duke who moved this Resolution and others have asked what course I propose to pursue, and upon that point I should like to call your Lordships' attention to one or two matters which have occurred in the course of the Debate. I think it was the noble Earl (Earl Cowper) who deprecated the introduction of politics into the appointment of Magistrates. I believe it to be an absolute delusion to suppose that politics have been excluded from these appointments. I am satisfied that politics have played a very considerable part in the appointment of Magistrates in many parts of the country. In saying this I am not necessarily in the slightest degree attacking any particular Lord Lieutenant, even when I refer to a county where they may have taken place. I say it for this reason. On what does a Lord Lieutenant act in making his representation to the Lord Chancellor? Of course, he does not in every case—and in a large district it would be impossible for him to do so—personally come into contact with everybody who is fit to be upon the Bench. Well, he gets his information from somebody. He largely gets it from the different County Benches. The occupants of the seats on a Bench do not cease to be politicians when they get there, and some of them are very active politicians. The truth is, that you cannot keep politics from being introduced; and unless you open your eyes to the question of politics, and if you take your advice and your information from those of your own political views, unless you make inquiry into the matter, you will inevitably and assuredly introduce politics into the Bench from the very fact of shutting your eyes to any such question. I have information before me which satisfies me that politics have frequently been introduced into these appointments. I think your Lordships will understand that politics have been introduced when you find that a gentleman who has been recognised as one who

The Lord Chancellor

ought to have been on the Bench, and yet, nevertheless, had not found his way there—when you find one who for many years has occupied precisely the same position, but whose political views are not what they were a few years ago, and who, immediately after his change of political views, gets on to the Bench without any other changes in his circumstances—it is very hard to resist the conviction that the two circumstances had something to do with each other. Again, local Benches may sometimes say that no addition is wanted to their numbers, and the Lord Lieutenant acts upon that view. It is easy for a local Bench, when an appointment is likely not to be politically acceptable, to say that no appointment is necessary. If that is to stay the Lord Lieutenant's hands, it is a very strong political engine to use, because I have had brought home to my satisfaction frequently cases in which the local Bench has said there was no need of any need of any new Magistrates when there was a very considerable need of them, and when very grave complaints had been made quite apart from politics, from both sides, that there were not sufficient Magistrates. Therefore, Lords Lieutenant would often merely be playing into the hands of political partisans if they accepted absolutely the opinion of those who are sitting on the Benches for particular places that no more Magistrates are wanted. All I say is that the effect of the existing system has been to produce this great political preponderance, and I believe in many cases in which that has happened it has not been intended by the Lords Lieutenant, but has resulted in the manner I have suggested, and it is very natural that it should so result. The Lord Lieutenant should take into account somewhat, in considering what might or might not be the effect of his appointment, the political opinion of the county with which he is dealing and the state of the Bench there. I do not say that there should be an exact reproduction of the proportion between the political opinions of the population in any county; but that is a very different thing from saying that it is in the interests of justice to make or to maintain that preponderance of opinion on the Bench which now exists. A great deal has been said about political pressure and about the

vast number of Magistrates that the Lord Chancellor will be pressed to appoint. I am thankful to say that I have not experienced that pressure, and that down to the present time the number suggested to me has been most reasonable. I am, however, satisfied that in most counties a very moderate additional appointment would allay the popular discontent. I have endeavoured to make this moderate addition, and have been taken to task for doing what I believe to be no more than my duty. It seems to me that the Lord Chancellor, being responsible for these appointments, is responsible for the effect of these appointments upon the administration of justice in these particular localities, and that he cannot get rid of that responsibility by sheltering himself behind the Lord Lieutenant. I have not undertaken this duty with any sense of satisfaction, or of the pleasure which it would give me to perform it. It would have saved me a vast amount of trouble, responsibility, and annoyance if I had not to perform this duty; but if I had not done it I should have been shirking the obligation laid upon me. As I have said, it was my duty to communicate with certain Lords Lieutenant on the subject, and there are some of them who have not had the courtesy to acknowledge my communications. I put it to your Lordships whether it is altogether a satisfactory state of things that when one who is responsible for the administration of justice in the counties communicates with gentlemen in, I hope, a perfectly courteous manner he should not even get a civil acknowledgment that his communication has been received? I have been asked how I propose to proceed. Wherever it is possible to do so; wherever I think that what is fairly necessary can be done in that way, I desire to proceed in concert with the Lords Lieutenant by asking them to consider the recommendations that are made to me, and to give me such information as they can upon the subject, and to endeavour, in concert with me, to allay the dissatisfaction that prevails. Where that does not succeed; where I think that, notwithstanding my communication to a Lord Lieutenant, and notwithstanding his communication to me, it is impossible to bring about a state of things which does not justly give cause for complaint, then it appears to

me that it will be my duty to act. It has been said that the Lord Chancellor ought only to act if he is satisfied that a Lord Lieutenant excludes from the County Bench either on sectarian or political grounds. There is nothing more difficult to prove than a case of that kind. I am satisfied that there are cases in which sectarian considerations have prevailed, and that those who ought to have been on the Bench, and would, otherwise have been on the Bench, have not found their way there on that account. I shall certainly act with a sense of the enormous difficulty and responsibility that has been laid upon me in carrying out the Resolution which has been passed; but I think the noble Earl (Earl Cowper) is mistaken in saying that in the speech which I made in answer to the deputation I expressed satisfaction with the present state of affairs. I had hoped to find more readiness among Lords Lieutenant to act in concert with me without any Resolution or any extraordinary action at all. If all Lords Lieutenant had been as ready to take the same course in all cases as I have found some were willing and ready to take — many of them my political opponents—I believe it might not have been necessary to make any change in the state of things that prevails. But I have not found this to be the case. Lords Lieutenant can, of course, act as they think right; but I regret what the noble Duke (the Duke of Devonshire) said that as a Lord Lieutenant he should think it right to fill that office, and yet withhold from the Lord Chancellor, who is responsible, such information and assistance as he could give by answering inquiries made to him as to the qualification and fitness of the persons recommended. I hope the noble Duke will reconsider his determination.

THE DUKE OF DEVONSHIRE: The noble and learned Lord has misunderstood what I said. The opinion I expressed was, I said, not a final and conclusive one; but that if the Lord Chancellor, after communication with the Lord Lieutenant of the county, should think fit to make the appointment which he declined to recommend it is very doubtful to me whether it would be wise or to the public advantage for the Lord Lieutenant, whose advice had been dis-

regarded, to continue to exercise a divided responsibility.

THE LORD CHANCELLOR: After what I have read, showing that it is certainly in accordance with the practice of the office which I hold to communicate with the Lord Lieutenant, and if the Lord Lieutenant did not sanction the recommendation made by the Lord Chancellor, or should give no sufficient reason, and the Lord Chancellor should afterwards appoint the person nominated to the Magistracy, it seems to me that it would be a serious question for the Lord Lieutenant to consider whether, if he declined thereafter to take any part in the appointment of Magistrates, it would not be his duty to resign his office as Lord Lieutenant. I can assure any Lords Lieutenant who may be willing to render assistance in considering or communicating with me with reference to the names of candidates that I shall, of course, have every desire to accede to the views which they may suggest as to the unfitness or otherwise of any person recommended. Nothing would be more undesirable than that a Lord Chancellor should add to the Magistracy those against whom a strong opinion was entertained; but, on the other hand, I wish to say that in no case would I take that course unless I believed there were some Lords Lieutenant who most unreasonably objected to make additions to the Bench which would make its constitution more fair than at present. Social influences I have no doubt may to a certain extent prevail; and although the present qualification does something in the direction of limiting the area within which Magistrates may be chosen, there are many who might be placed on the Bench who possess the necessary qualifications and whose names have been suggested to me. I am not speaking of the unqualified, but of the qualified, who are in many cases not on the Bench, but who, from my own knowledge, I think it is desirable should be there. I am conscious of the enormous difficulty of dealing with the question. I admit at once that the transfer from the Lord Lieutenant to the Lord Chancellor of the entire responsibility of manning the Bench would not be satisfactory. I am aware that the difficulty of the Lord Lieutenant in a particular county is great in ascertaining whether the names pre-

sented are those of fit persons or not; but the difficulty of the Lord Chancellor in dealing with all the counties of England, Scotland, and Wales is infinitely greater. If, however, he has the assistance of those who know the county thoroughly in such a matter there would be less liability of making mistakes; and the Lord Chancellor would be perfectly mad if he relied entirely on wirepullers and political agents. If I were to man the Bench solely on the recommendations of the politicians in counties, I should make blunder after blunder. Whatever course may be taken by others, that is not the course I intend to take. I will consider the names submitted to me by political agents, but in the boroughs one does not take nominations from the political agents only. My predecessors have not done so, and I do not intend to do so. Communications are received from a great many persons, but inquiries are made about them and the appointments are sanctioned after the inquiries. In the counties the difficulties are greater. In a borough the person recommended is probably pretty well known to most people; but in a county the same state of things does not exist, and therefore the difficulty is increased. I shall proceed with great caution in this matter. I am afraid that there is not a little anger on the part of those who would wish me to proceed more rapidly than I think I can proceed with safety. I shall do all I can in this matter in concert with the Lords Lieutenant, and if I think it necessary to make appointments without their recommendations it shall be done only after the most rigid inquiry I can make; and I shall do my best to place no one on the Bench, whatever his political opinions, who is not shown to be fit for the position.

LORD HALSBURY, in supporting the Motion, hoped his noble and learned Friend on the Woolsack would understand that if he deprecated very much the course it was intended to pursue, he did not do so from any mistrust of the exercise by him of the duty the noble and learned Lord had taken upon himself. He believed that the change which had been introduced was a serious one. However impartial his noble and learned Friend might be he must necessarily be utterly incapable of adequately discharging the duty without being misled

to a degree which it was not easy for their Lordships to appreciate. He condemned the interference of the Chancellor of the Duchy, and he thought that great credit was due to the noble Earl (the Earl of Sefton) for the temperate manner in which he had referred to Mr. Bryce's letter. There was nothing more difficult than to get people in these matters to tell the truth about them. He had been subjected to much animadversion because he had appointed some Tories, and he found on inquiry that one of the so-called Tories was Chairman of the local Liberal Association. He had no doubt his noble and learned Friend would be denounced in a similar manner, whatever he might do in the matter. On one occasion it was brought to his knowledge that serious injury was being caused in the administration of justice because the Lord Lieutenant would not recommend anybody, and after many communications and after waiting a year he himself appointed a whole batch of Magistrates. There was undoubtedly power in the Lord Chancellor to do it. That was a case where politics were not involved at all; it was a case where the Lord Lieutenant manifestly neglected to do his duty. What was now suggested was that the Lords Lieutenant should go through lists of persons who professed political opinions on one side or the other, and then see whether there was a majority on either side. That was a state of things which every one of their Lordships in that Debate had deprecated. Reference had been made to the County of Sussex, where there was a considerable preponderance of Conservative Magistrates, but the two Lords Lieutenant of Sussex for 34 years had been Liberals, and the preponderance of Conservatives in the county pointed to the fact that the class amongst which Magistrates were to be found, and had by law to be found, were Conservative in opinion. If that was so in other counties, as appeared to be the case, what was the reason for this change? The Lord Lieutenant was a permanent officer as *custos rotulorum*, and it was in that character that his particular jurisdiction existed in the county, but it was now proposed to make these appointments by the political officer of the Government. The Lord Lieutenant's office was not changed with the Ministry.

He had no necessary connection with politics. Noble Lords talked of the necessity of consulting public opinion in these matters. No doubt one of the most important things was the respect in which the administration of justice was held by the public. Did they think the Lord Lieutenant would escape criticism and denunciation if he acted in any way wrongly? It was perfectly idle to suppose that the result would not be that every one would say that the appointments were simply the political rewards for political services. He felt this very much, because the door was being opened to place the Lord Chancellor under political pressure, which, however firm he might be, he could not altogether resist. He was surrounded by his political friends, and he could not get his political opponents to come to him. It would come to this, then, that the Lord Chancellor was to rely upon such information as he could get from political agents, aided, if they consented to aid, by the Lords Lieutenant. He doubted whether any Lord Lieutenant, with due respect to himself, would think it part of his duty to communicate with a Lord Chancellor who might accept his opinion or not. It seemed to him that it was a very serious and even fatal step that was being taken, and it left but one alternative—the abolition of the unpaid Magistracy, and the appointment of Stipendiary Magistrates for the purpose of administering justice all over the country. The unpaid Magistrates exercised an enormous amount of good in their several neighbourhoods, and if the changes were made which were suggested we should soon have the administration of justice in this country regarded with as little respect as, unfortunately, it was elsewhere.

THE LORD CHANCELLOR: I did not like to interrupt my noble and learned Friend, but if he had made a full quotation from the letter of the Chancellor of the Duchy to the Lord Lieutenant he would have seen that it was carefully worded so as to avoid making any imputation on the conduct of the Lord Lieutenant. The Chancellor of the Duchy remarked that the disparity was probably due to the tendency of the existing Magistrates in each locality to recommend for appointment their own personal and political friends. The right hon. Gentleman distinctly refrained from

casting any imputations on the Lord Lieutenant. If the state of things described by the noble Duke (the Duke of Richmond) as existing in the county with which he is connected, Sussex, were general throughout England and Scotland, I, for one, should be very much pleased.

Motion agreed to.

THE MARQUESS OF SALISBURY :
Nemine contradicente.

THE LORD CHANCELLOR : Certainly.

STATUTE LAW REVISION (No. 1.) BILL
[H.L.]—(No. 9.)

Returned from the Commons agreed to.

METROPOLITAN COMMONS PROVISIONAL ORDER (BANSTEAD) BILL.
(No. 51.)

Read 3^a (according to order), with the Amendments, and passed, and returned to the Commons.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 1) BILL.—(No. 105.)

House in Committee (according to order : Bill reported without amendment : Standing Committee negatived ; and Bill to be read 3^a To-morrow.

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 3) BILL.—(No. 106.)

House in Committee (according to order) : Bill reported without amendment : Standing Committee negatived ; and Bill to be read 3^a To-morrow.

COMMONS REGULATION PROVISIONAL ORDER (WEST TILBURY) BILL.
(No. 104.)

Read 2^a (according to order), and committed to a Committee of the Whole House To-morrow.

CONSOLIDATED FUND (No. 2.) BILL.

Read 2^a (according to order) : Committee negatived : Then Standing Order No. XXXIX. considered (according to order) and dispensed with : Bill read 3^a, and passed.

The Lord Chancellor

TREASURY CHEST FUND BILL.
(No. 111.)

Read 2^a (according to order), and committed to a Committee of the Whole House To-morrow.

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 4) BILL.

Brought from the Commons ; read 1^a ; to be printed ; and referred to the Examiners. (No. 124.)

HOUSING OF THE WORKING CLASSES (EDINBURGH) PROVISIONAL ORDER BILL.

Brought from the Commons ; read 1^a ; to be printed ; and referred to the Examiners. (No. 125.)

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 4) BILL.

Brought from the Commons ; read 1^a ; to be printed ; and referred to the Examiners. (No. 126.)

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 5) BILL.

Brought from the Commons ; read 1^a ; to be printed ; and referred to the Examiners. (No. 127.)

PIER AND HARBOUR PROVISIONAL ORDERS (No. 3) BILL.

Brought from the Commons ; read 1^a ; to be printed ; and referred to the Examiners. (No. 128.)

PIER AND HARBOUR PROVISIONAL ORDERS (No. 4.) BILL.

Brought from the Commons ; read 1^a ; to be printed ; and referred to the Examiners. (No. 129.)

RAILWAY RATES AND CHARGES PROVISIONAL ORDER (CRANBROOK AND PADDOCK WOOD RAILWAY, &c.) BILL.

Brought from the Commons ; read 1^a ; to be printed ; and referred to the Examiners. (No. 130.)

House adjourned at five minutes past
Eight o'clock, till To-morrow,
a quarter past Ten o'clock.

HOUSE OF COMMONS,

Monday, 5th June 1893.

QUESTIONS.

RATE PAYMENTS BY LANDLORDS.

MR. STANLEY LEIGHTON (Shropshire, Oswestry): I beg to ask the President of the Local Government Board whether he can inform the House if the Act authorising Local Authorities to compound with the landlords for the payment of the rates in respect of their cottage property is universally adopted; whether he can say what is the average abatement in the rates made by the Local Authorities in favour of the landlords in such cases; and what is the number of electors for Local Authorities who by the operation of the compounding Acts pay no rates directly?

***THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD** (Mr. H. H. FOWLER, Wolverhampton, E.): The provisions of the Poor Rate Assessment and Collection Act, 1869, with respect to the payment of rates by the owners instead of the occupiers in the case of small tenements have been largely, but not universally, adopted. The maximum abatement which can be allowed to the owners in these cases is prescribed by the Act, but I am unable to say what is the average abatement allowed. Neither can I state the number of electors for Local Authorities whose rates are paid directly by the owners.

MR. STANLEY LEIGHTON: Will the right hon. Gentleman give us an approximate idea of the number of electors who do not pay the rates directly?

MR. H. H. FOWLER: I will see if it can be obtained, but that is a very troublesome and, I fear, almost impossible Return.

THE ZULU EXILES.

BARON HENRY DE WORMS (Liverpool, East Toxteth): I beg to ask the Under Secretary of State for the Colonies whether he is able to confirm or otherwise the statement made by Mr. Fox Bourne, the Secretary of the Aborigines'

Protection Society, at the annual meeting of that Society on the 17th instant, that he (the Secretary) had had an interview with the Under Secretary of State for the Colonies, and that the wishes of the Society with regard to the Zulu exiles would be substantially gratified within the next few months; whether these words are to be accepted as implying that the Zulu Chiefs now at St. Helena are to be released and allowed to return to Zululand; and whether the Governor and authorities of Zululand have been consulted as to the expediency of this step?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Mr. S. BUXTON, Tower Hamlets, Poplar): The statement attributed to the Secretary of the Aborigines' Protection Society is not correct, and I understand that he denies having made it. The only statement I have made in regard to the matter is that Mr. Osborn (now Sir Melmoth Osborn) is retiring on pension, and that, until after his successor takes up his appointment, no change will be made in the present position of affairs. His successor will be Mr. Marshall Clarke, who for so many years has been administering Basutoland with marked ability.

ADMIRALTY CRUISER SUBVENTIONS.

MR. HOGAN (Tipperary, Mid.): I beg to ask the Secretary to the Admiralty when he hopes to be in a position to announce the decision of the Admiralty in the matter of the application for the subvention to the steamers engaged on the new service between Australia and Canada *via* Honolulu?

THE SECRETARY TO THE ADMIRALTY (Sir U. KAY-SHUTTLEWORTH, Lancashire, Clitheroe): The Admiralty are unable at present to add to the list of steamships which receive a subvention as armed mercantile cruisers.

MR. HOGAN: When the right hon. Gentleman says the Admiralty are not prepared to recommend a subvention, am I to understand that, when this service has passed through the experimental stage, and proved itself to be a permanent link of communication between Australia and Canada, its claims to Imperial recognition will be re-considered?

SIR U. KAY-SHUTTLEWORTH : I have no doubt that any future application will be considered with the same care as the present one.

DIPLOMATIC EXPENDITURE IN THE EAST.

SIR ANDREW SCOBLE (Hackney, Central) : I beg to ask the Under Secretary of State for India what is the amount of the contribution paid by the Government of India towards the cost of Diplomatic and Consular Establishments in China, Persia, Turkey, Siam, East Africa, and elsewhere ; and whether he is able to state what proportion such contribution bears to the total cost of such Establishments respectively ?

*THE UNDER SECRETARY OF STATE FOR INDIA (Mr. GEORGE RUSSELL, North Beds.) : The Secretary of State is unable to state the cost of the Diplomatic and Consular Establishments maintained under the control of the Secretary of State for Foreign Affairs. The following statement shows the present contributions towards such Establishments paid by the Indian Government, as well as the cost of similar establishments maintained and paid for under the control of the Indian Government :—China : a fixed contribution of £12,500 per annum paid by India towards the cost of the Diplomatic and Consular Services. Persia : (1) a fixed contribution of £7,000 per annum towards the cost of Her Britannic Majesty's Legation at Teheran ; (2) the salary and establishment charges of a special officer (Consul General) on Khorassan frontier (about Rx.15,000), paid wholly by India ; (3) the salaries and establishment charges of Bushire Residency, including salaries of Her Britannic Majesty's Consul General for Fars, &c., and Vice Consul at Bushire (about Rx.10,000) are paid by India ; the salary of the Vice Consul at Mohammerah is not paid by India. Turkey : (1) the cost of the Political Residency in Turkish Arabia, including the salaries of Consul General for Bagdad and Consul at Bussorah (about Rx.9,000) is paid wholly by India ; (2) half the cost of the Consulate at Jeddah for the Eastern Coast of the Red Sea—Indian share being calculated at £458—is paid by India ; (3) the expenses of the Vice Consulate at Hodeidah (Consul's salary

amounting to £360, and other expenses £160) are met from Indian Revenues, but towards this cost the Imperial Government pays £200. Siam : The Chiangmai Vice Consulate charges (about Rx.1,000) are paid wholly by India. Somali Coast : The Political Assistant is also Her Britannic Majesty's Consul ; his salary (Rx.1,756) and expenses are paid by India. Muskat : The salary (Rx.3,120) and expenses of the Political Agent and Her Britannic Majesty's Consul are paid wholly by India. French Colonies : India pays £650, not towards Consuls' salaries or cost of establishment, but for travelling expenses and interpreters, £500 to the Consul at Réunion, and £150 to the Consul for Cayenne and Surinam, on special grounds in the interests of Indian coolie emigrants. Goa and Pondicherry : Her Britannic Majesty's Consul at Goa and the Consular Agent for Pondicherry and Karikal are paid by India.

PASSENGER TRAFFIC IN THE ENGLISH CHANNEL.

COLONEL HOWARD VINCENT (Sheffield, Central) : I beg to ask the President of the Board of Trade if the foreign vessels carrying passengers across the English Channel are frequently inspected by the Board of Trade as to their seaworthiness and suitability for passenger service ; and in such case, if he can say when the steamships *France* and *Prince*, plying between Dover and Calais, were built, and last overhauled by a British surveyor ?

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside) : The Board of Trade have no power to inspect foreign vessels as to their unseaworthiness or suitability for passenger service, unless they carry passengers between places in the United Kingdom—or come under the Passenger Acts. These French cross channel steamers do not carry passengers between places in the United Kingdom, and they do not come under the Passenger Acts. They are subject to French Regulations, as British ships engaged in the same traffic are subject to British Regulations.

COLONEL HOWARD VINCENT : Can the right hon. Gentleman give any information as to the steamships named ?

MR. MUNDELLA : I cannot give any information as to ships not inspected by the Board of Trade.

COUNSEL'S FEES AT THE BEHRING SEA ARBITRATION.

MR. POWELL WILLIAMS (Birmingham, S.) : I beg to ask the Secretary to the Treasury what amount, in addition to salary, is payable to the Attorney General on his brief in the case of the Behring Sea Arbitration now proceeding at Paris ; what additional amount he receives daily as a "refresher," or otherwise ; and whether the latter sum is paid when the Arbitration Court does not sit or the Attorney General does not appear in Court ?

MR. CARVILL (Newry) : At the same time, I will ask the right hon. Gentleman what amount is payable to the Attorney General of the late Government on his brief in the case of the Behring Sea Arbitration now proceeding at Paris ; what additional amount he receives daily as a "refresher" or otherwise, and whether the latter sum is paid when the Arbitration Court does not sit, or the hon. and learned Member does not appear in Court ; and what is the sum total of the fees in this case under the late and under the present Government ?

•THE SECRETARY TO THE TREASURY (Sir J. T. HIBBERT, Oldham) : The Attorney General and the late Attorney General have each received an inclusive fee, for six weeks' attendance in Paris, of 2,000 guineas. The Solicitor to the Treasury has been instructed to arrange for the payment to both hon. and learned Gentlemen of reasonable fees for further attendance beyond the period of six weeks ; but the exact amounts have not yet been submitted to the Treasury for approval. The fees paid by the Treasury Solicitor to the late Attorney General in the case up to December 31, 1892, amounted to a total of £1,055 6s., and there are some further fees not yet settled up to the time when the arrangement was made for the payment of the lump sum for six weeks' attendance.

MR. POWELL WILLIAMS : Will the right hon. Gentleman state the amount of the "refreshers" paid to the Attorney General ? Will he also

kindly say whether the hon. and learned Member for the Isle of Wight receives a salary of £7,000 a year for attending to public business ?

*SIR J. T. HIBBERT : This is contentious business outside the salary, and would have been deemed so whatever Government was in Office. With respect to daily "refreshers," I should explain that no such fees are payable during the period of six weeks, as the 2,000 guineas is inclusive.

MR. POWELL WILLIAMS : In consequence of the unsatisfactory reply of the right hon. Gentleman I shall call attention to the subject on the Estimates.

MILITARY CANTEENS AND THE SUNDAY CLOSING ACT.

MR. T. W. RUSSELL (Tyrone, S.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the police have made any Report concerning the evasion of the Sunday Closing Act by the establishment of a canteen in connection with the 4th Battalion Royal Irish Rifles at Manarrene Park, Antrim ; and whether the sale of intoxicating liquor to civilians, under such circumstances, is legal ?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne) : I am informed that the canteen referred to is conducted strictly according to the Queen's Regulations, which prohibit the sale of liquor to civilians either on Sundays or weekdays. So far as the police are aware there is nothing irregular in the management of the canteen, and there is no evasion of the Sunday Closing Act.

IRISH DISPENSARY DOCTORS.

MR. M'CARTAN (Down, S.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he will state the number of dispensary doctors in each of the following places—namely, County Antrim, County Down, and City of Belfast ; and how many of them in each place are Catholics ?

MR. J. MORLEY : There are 34 medical officers of dispensary districts in the County Antrim, and 33 in County Down. In the City of Belfast there are 15 dispensary doctors. The Local Government Board have no information as to the religious denominations to which these officers belong.

MR. M'CARTAN: In both the two counties, as well as in the City of Belfast, there is only one Roman Catholic dispensary doctor.

THE ROYAL IRISH CONSTABULARY ARMS.

MR. ARNOLD-FORSTER (Belfast, W.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland how many stand of arms are in the possession or under the control of the Royal Irish Constabulary; what is the amount of ball cartridge ordinarily in their possession and in reserve for Constabulary purposes; and in what magazine is the Constabulary ammunition stored?

MR. J. MORLEY: There are in possession and under the control of the Royal Irish Constabulary about 17,400 stand of arms. The usual quantity of ammunition in possession of each man is 40 rounds of ball and 12 of buck shot. There is practically no reserve of ammunition kept in the Department, and supplies, after the annual practice, are drawn from the War Department. It is understood the War Department issues the supplies to counties from the military divisional magazines.

SWINE FEVER.

MR. FELLOWES (Hunts, Ramsey): I beg to ask the President of the Board of Agriculture whether, in view of the fact that the evidence given before the Committee on Swine Fever has been published by the Board of Agriculture, he is now able to say whether he intends to give effect to the recommendations of that Committee?

MR. CHANNING (Northampton, E.): I beg, at the same time, to ask the right hon. Gentleman whether, in view of the important character of the evidence now issued on which the Departmental Committee on Swine Fever have based their recent Report, and in view of the recent serious increase of the disease, and the opinion of the Committee that the disease can only effectually be dealt with by a Central Authority, Her Majesty's Government will take steps to carry out the recommendations during the present year?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. H. GARDNER, Essex, Saffron Walden): I am in communication with the Treasury with

regard to the recommendations of the Departmental Committee, and at present I can only refer the hon. Member and my hon. Friend the Member for Northamptonshire, who has also placed a question on this subject on the Paper, to the statement made on behalf of the Government immediately before the Recess. I may perhaps add, however, that although, as the Chancellor of the Exchequer has already been good enough to inform the House, I am personally very anxious to take the disease in hand, an immediate decision on the subject is by no means a matter of such urgency as the frequency of the questions addressed to me with regard to it would suggest. I am informed by my professional advisers that the late autumn is the best season for the commencement of operations, and, with regard to the extent of the disease, I may say that so far from there having been any recent serious increase, as my hon. Friend states, the available statistics point to exactly the opposite conclusion. The number of outbreaks recorded last year was less than half the number recorded in 1891—in fact, smaller than in any year since 1884; and, although it is no doubt true that many outbreaks are unreported, there is absolutely nothing to justify the impression which seems to be gaining ground that the owners of pigs are face to face with a crisis of a very serious character.

MR. FELLOWES: If the Government are unwilling to bring in a measure on this question, will they give facilities for the Bill already before the House?

MR. GARDNER: My hon. Friend must by no means understand that the Government are unwilling to bring in a Bill.

TRINCOMALEE PORT.

MR. SCHWANN (Manchester, N.): I beg to ask the Secretary to the Admiralty, in view of the fact that the port of Trincomalee, in Ceylon, is off the trade route, and is destitute of commercial shipping of any value, whether Her Majesty's Government proposes to spend in the future the money necessary to defend Trincomalee in enlarging the harbour of Colombo (which is often inconveniently crowded with shipping, causing vessels to lie off in the roads, instead of having the protection of the harbour), and in con-

structing a commodious dock, fortifying the place more thoroughly, and protecting the coal stores, British shipping, and commercial interests in Colombo, as recommended by Rear Admiral Bowden-Smith and other authorities?

SIR U. KAY-SHUTTLEWORTH : The Admiralty do not contemplate transferring the Naval Establishment at Trincomalee to Colombo. As regards the question of enlarging and protecting the original harbour at Colombo, I am informed by the Colonial Office that the improvement of the harbour and the construction of a graving dock are works which would primarily be constructed out of Colonial Funds, and the question of undertaking these works has for some time been under the consideration of the Colonial Government and its technical advisers.

THE UNION JACK IN IRELAND.

MR. T. M. HEALY (Louth, N.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, as the 6 & 7 William IV. c. 38, s. 8, uses the words that a publican shall not display any sign, flag, or symbol, colour, decoration, or emblem whatsoever, "except the known and usual and accustomed sign of such house," he will have a test case from Derry submitted to Petty Sessions, and a case stated thereon to the Superior Courts with a view to decide whether this section imports that it is lawful to fly a particular flag from licensed houses but forbids others?

SIR T. LEA (Londonderry, S.) : I should like to ask the right hon. Gentleman whether the object of this section has not been frequently stated to be to prevent retailers from permitting illegal assemblies in their houses or hanging out the banners of rebel associations? Would not the repeal of the section allow these things to be done?

MR. T. M. HEALY : No one proposes to repeal it.

MR. J. MORLEY : I will read the opinion of the Irish Law Officers, whom I have consulted. Their opinion is as follows :—

"In our opinion the 8th section of the Act of 1836 prohibits the hanging out or displaying of every flag, whether the Union Jack or other. The words used are of the largest kind, and they are strengthened by a use of the exception 'the known and usual and accustomed sign of such house.' The penalty provided by the 8th sec-

tion may be proceeded for by any person. It is not necessary for the Crown to be the prosecutor. I should not think it wise for the Crown to prosecute for the exhibition of the Union Jack, or raise a test case as to such a flag."

I may add that it is not the intention of the Government to prosecute for the exhibition of the Union Jack upon the occasion in question, nor to raise a test case thereupon.

MR. T. M. HEALY : May I inquire whether, as the late Government constantly prosecuted Nationalists for exhibiting flags or emblems, it would not be acting merely on the principle that what is sauce for the goose is sauce for the gander if a prosecution were ordered in regard to the display of the Union Jack at Derry?

MR. J. MORLEY : I quite agree with the principle that what is sauce for the goose is sauce for the gander. It is not for me, however, to invite Parliament to repeal the section of the Act in question, even if I were inclined to do so. It is sufficient for me to decide on the action of the Government as circumstances arise. I have already stated that in this case I do not think it would be wise for the Crown to institute a prosecution.

SIR T. LEA : When the right hon. Gentleman says that what is sauce for the goose is also sauce for the gander, I suppose that is equivalent to placing the Union Jack on a level with other Party emblems?

[No answer was given.]

INDICTABLE OFFENCES IN IRELAND.

MR. DANE (Fermanagh, N.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland how many persons have been returned for trial to Quarter Sessions in the Counties of Cork, Kerry, Clare, and Limerick respectively, in respect of outrages committed within the districts described by him as disturbed areas; and will the jurors in attendance at each Quarter Sessions, or any of them, be persons resident within the disturbed areas?

MR. J. MORLEY : There are six persons in Kerry and one in Clare awaiting trial at Quarter Sessions in respect of outrages committed within the disturbed areas in those counties respectively. The jurors in attendance at such Quarter Sessions include persons resident within those areas. There are no persons

awaiting trial at Quarter Sessions in respect of outrages in the disturbed areas of Cork and Limerick.

CANADIAN BEEF IN SCOTLAND.

SIR JOHN LENG (Dundee) : I beg to ask the President of the Board of Agriculture whether his attention has been called to the complaints of agriculturists in Scotland on account of the large numbers of fat Canadian cattle now being slaughtered at one time on landing at Shieldhall, Glasgow, seriously affecting the price of home-fed fat cattle, and that it would be much to the advantage of Scottish farmers if they could feed young Canadian cattle for the market ; and whether, in the interests of Scottish agriculturists, the present prohibition against the importation of Canadian cattle for feeding purposes will be removed at the earliest possible date ?

MR. GARDNER : I am well aware of the feeling to which my hon. Friend refers, and I should be very glad to find myself in a position to remove the existing restrictions if I could do so consistently with the wider interests which it is my statutory duty to consider. At the moment I can only say that I must await the complete results of the special examination of the lungs of the animals arriving in this country which is now proceeding.

MR. CHAPLIN (Lincolnshire, Sleaford) : Is the right hon. Gentleman able now to give us the result of the examination of the lungs which he told us last week was under consideration ?

MR. GARDNER : No. It is a special microscopical examination, and I have not yet received the Report.

WOMEN AS MAGISTRATES.

MR. H. HOBHOUSE (Somerset, E.) : I beg to ask the President of the Local Government Board whether, under the provisions of the Local Government (England and Wales) Bill, a woman may be elected Chairman of a District Council, and thus become *ex-officio* a County Justice of the Peace ; and whether the effect of the same Bill is to deprive the Justices of the Peace, as such, of all their administrative and non-judicial duties ?

*MR. H. H. FOWLER : I venture to submit to the House that the proper time for considering the nature and effect of

the provisions of the Local Government Bill is in the Debate on the Second Reading and during the Committee stage of the Bill.

MR. H. HOBHOUSE : As this is a point on which considerable confusion is felt in the country, cannot the right hon. Gentleman give a straight answer ?

MR. H. H. FOWLER : I am submitting to the House that we cannot, in question and answer, discuss the provisions of a Bill which cannot be brought before the House for several weeks to come.

THE GREAT WESTERN RAILWAY RATES.

MR. H. HOBHOUSE : I beg to ask the President of the Board of Trade if he has noticed the statement in Friday's *Times*, that the French Railway Companies have, at the instance of the French Government, reduced by 25 per cent. the rates for hay and other cattle food ; and if, in consideration of the serious scarcity of feeding stuffs now prevailing in parts of England, the Board of Trade will follow the example of the French Government by inducing the Great Western Railway and other Companies, who have recently raised their rates for the carriage of such goods, to reduce those rates by such an amount as shall substantially assist the farmer to procure the necessary food for his stock ?

MR. MUNDELLA : I noticed the statement referred to, but the Board of Trade have no power to induce the Great Western and other Companies to reduce their rates for such a purpose as that suggested by the hon. Member. The French Government, as owner of nearly 2,000 miles of railways and as contributor to others, has powers of control which the State in this country does not possess.

SWAZILAND.

BARON HENRY DE WORMS : I beg to ask the Under Secretary of State for the Colonies whether any arrangement has been arrived at between Sir Henry Loch and President Krüger relative to the future of Swaziland ; and, if so, whether he will communicate it to the House ?

MR. S. BUXTON : No further arrangement has as yet been arrived at between Sir H. Loch and President Krüger beyond that already mentioned in

the House. But Sir H. Loch is now at Pretoria, and it is probable that an arrangement may be arrived at in regard to Swaziland during his visit to President Krüger. I can only repeat that full information on the whole subject will be communicated to the House at the earliest possible moment compatible with the interests of the Public Service.

DOCKYARD CLASSIFICATION.

MR. KNATCHBULL-HUGESSEN (Kent, Faversham): I beg to ask the Secretary to the Admiralty what is the cause of the delay in announcing the decision of the Government on the subject of the system of classification in Her Majesty's Dockyards, which decision it was promised would be made before Whitsuntide; and whether he can state the time at which it will be made?

THE CIVIL LORD OF THE ADMIRALTY (Mr. E. ROBERTSON, Dundee): As I have repeatedly explained to the hon. Gentleman, the decision of the Admiralty as to classification will not be announced until we are in a position to deal with all the other questions affecting labour in the Dockyards. An immense mass of material has had to be collected, analysed, and considered. Unexpected difficulties of various kinds have delayed the decision, but we are doing everything we can to hasten it.

MR. KNATCHBULL-HUGESSEN: Will the hon. Gentleman answer the latter part of my question? He told us that the decision would be made known before Whitsuntide.

MR. E. ROBERTSON: I cannot name any date.

MR. KNATCHBULL-HUGESSEN: I shall repeat the question on Thursday.

GOVERNMENT EMPLOYMENT FOR DISCHARGED SOLDIERS.

MAJOR RASCH (Essex, S.E.): I beg to ask the Secretary of State for War whether he has seen the statement in *The Army and Navy Gazette* of 27th May, that, out of 5,000 posts under Government suitable for discharged and Reserve men, only 220 are so allotted; and whether he can state the number of appointments reserved for old soldiers by the State in Germany, Austria-Hungary, and France respectively?

***THE SECRETARY OF STATE FOR WAR** (Mr. CAMPBELL-BANNERMAN, Stirling, &c.): I am not aware upon what basis the figures quoted rest, and I cannot, therefore, give an opinion of their accuracy. As to foreign countries, I would refer the hon. and gallant Gentleman to the Paper recently presented to Parliament containing Reports from Her Majesty's Embassies in Austria-Hungary, France, Germany, and Italy.

THE IRISH NATIONAL FEDERATION.

MR. PENROSE FITZGERALD (Cambridge): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if his attention has been called to a meeting of the Irish National Federation, Rosscarbery Branch, which was held in the National School Room on Thursday, 11th May, at which a charge of land-grabbing was brought against Michael Sweeny; and whether the National Board allow such meetings to be held in their schools?

MR. J. MORLEY: I understand that meetings of the nature indicated took place in the National School at Rosscarbery on May 14 and two subsequent dates. The attention of the National Education Board has been drawn to the matter. Sweeny is reported to have attended the meetings voluntarily, and the police are closely watching the case.

IRISH MAGISTRATES AND LANDGRABBERS.

MR. THEOBALD (Essex, Romford): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he is aware that a meeting, at which a so-called land-grabber was denounced and boycotting resolutions were passed, was presided over by Mr. J. Hughes, who has recently been appointed a Magistrate for Limerick by the present Government; and whether he will call the attention of the Lord Chancellor to the matter?

MR. J. MORLEY: It is stated in a newspaper report, which I have seen, that a meeting in reference to the evicted farm of Miss Morrison was presided over by a Mr. John Clune (not Hughes), who is a Magistrate for the City of Limerick, and was appointed shortly after the present Government came into Office. The alleged conduct of Mr. Clune has been brought under the notice of the Lord Chancellor.

MR. O'KEEFFE (Limerick) : Perhaps I may be permitted to say that I have here a letter from Mr. Clune denying that any resolution advocating boycotting was passed at the meeting in question.

CLARE AND LIMERICK JURIES.

MR. T. W. RUSSELL : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, seeing that the Circuits have now been arranged for the Summer Assizes in Ireland, the Government intend, in view of the failure of the juries in Clare and Limerick at the last Assizes, to make arrangements under which prisoners who may be charged with serious offences in these counties shall be tried outside the local venue ?

MR. SEXTON (Kerry, N.) : I wish to ask you, Mr. Speaker, whether the words "in view of the failure of the juries" are in Order; is it right to put down in the form of a question an assumption of so grave a statement of fact ?

*MR. SPEAKER : I read the question to mean failure of the juries to agree.

MR. SEXTON : But the question does not say that.

MR. SPEAKER : I put the most charitable interpretation on the words.

MR. J. MORLEY : The Government do not, under present circumstances, intend to make arrangements of the nature indicated.

MR. SEXTON : What is it that the juries have failed to do ? Is it the view of the Government that a jury "fails" unless it convicts ?

MR. T. W. RUSSELL : I referred to the statement of Mr. Justice O'Brien at the last Assizes, when he was reported to have said that, in mercy to the jurors themselves, who had been plainly terrorized, he hoped some means would be found to remove the criminal jurisdiction out of the county.

MR. J. MORLEY : I have not before me the figures for the last two Assizes in Clare and Limerick; but my impression is that, on the whole, the proceedings of the juries did not amount to a failure.

MR. T. W. RUSSELL : Has not the right hon. Gentleman read the words of Mr. Justice O'Brien at the close of the Spring Assizes in County Clare, in which he stated that seven persons had been brought before him and, without excep-

tion, acquitted, and that, in mercy to the jurors, who had been plainly terrorized, he hoped some means would be found for trying these cases out of the county ?

MR. J. MORLEY : I believe that that was the tenour of Mr. Justice O'Brien's remarks.

THE ARMY AND HOME RULE.

MR. P. J. O'BRIEN (Tipperary, N.) : I beg to ask the Secretary of State for War if he will have any objection to state the exact words of the Report received by him from the Colonel commanding the Leinster Regiment at Aldershot; and if he will cause direct inquiry to be made as to the truth of the allegation that, on an occasion prior to the 18th ultimo, the toast of "The Queen and no Home Rule" was proposed at the mess of the above regiment by a civilian guest, and responded to by all the officers present, including Major E. W. Murphy; and, if so, will any notice be taken of such conduct, having regard to the fact that the majority of the rank and file of the Leinster Regiment are Irishmen ?

*MR. CAMPBELL-BANNERMAN : The officer commanding the Leinster Regiment at Aldershot stated that the alleged incident did not occur. What may have given rise to an exaggerated story is that on one recent occasion, when the toast of "The Queen" had been proposed and drunk, as those present were sitting down, a civilian guest made a remark as to "No Home Rule," but no notice was taken of it.

ELECTION DISTURBANCES AT DROMORE WEST.

MR. WILLIAM KENNY (Dublin, St. Stephen's Green) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the charges of riotous assembly and assault at Dromore West, County Sligo, on the 18th March last, on the occasion of the election of a Poor Law Guardian, have been as yet disposed of; how many persons have been made amenable; have they been summarily convicted or returned for trial at the Assizes; and, if so, on what charge; and, if returned for trial, is it proposed to try them in the County of Sligo where the offence was committed ?

MR. J. MORLEY : The case referred to was heard at Easkey Petty Sessions on the 17th and 18th May, when the

Rev. Mr. Kelly and 19 other defendants were returned for trial to the Sligo Summer Assizes on a charge of riot, unlawful assembly, and obstructing the police in the discharge of their duty. Three of the 20 defendants have also been sent for trial on a charge of assaulting a voter, from whom the voting paper was taken by force on the occasion mentioned, and seven others of the defendants, including the Rev. Mr. Kelly, are charged with aiding and abetting in the assault. All the defendants have been admitted to bail. Two other defendants who had been summoned did not appear at Petty Sessions, and it is believed they have left the country. There is nothing in the past experience to lead us to believe that Sligo jurors are not impartial.

THREATENED EVICTIONS IN THE ISLAND OF ARRAN.

SIR CHARLES CAMERON (Glasgow, College) : I beg to ask the Secretary for Scotland whether his attention has been called to the fact that between 70 and 80 notices of removal have been served on behalf of the Duke of Hamilton upon tenants of his in the Island of Arran ; whether he is aware that the houses and lands from which these tenants are threatened with eviction have, as a rule, been built and reclaimed without assistance from the landlord ; and whether, in view of the urgency of the situation, he will consider the propriety of the Government taking measures to bring Arran under the operation of the Crofters' Act ?

THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton) : Notices of removal have been served on 72 tenants of the Duke of Hamilton in the Island of Arran. The tenants, together with the notice, received an invitation to enter into an agreement from year to year which placed them under the obligation to give up the whole or any portion of their holding on one month's notice, receiving compensation for loss of crofts and unexhausted manures, and a suitable deduction from the rent if only a portion of the holding is taken. I believe that the houses of most of these tenants were, as a rule, built by themselves, and are frequently of considerable value ; and if the tenants lived in Inverness-shire or Ross-shire they would be crofters under the Act. When

the Government legislates again about crofters they will consider carefully the proposal of my hon. Friend to include Arran in the operation of the Act.

MR. MURRAY (Buteshire) : Is the right hon. Gentleman aware that there is no intention of turning any one of these tenants out of their houses ?

SIR G. TREVELYAN : I am extremely glad to hear it.

LEWISHAM FEVER HOSPITAL.

MR. FREDERICK FRYE (Kensington, N.) : I beg to ask the President of the Local Government Board whether he is aware that the Metropolitan Asylums Board have asked the consent of the Local Government Board to the purchase of a site for a fever hospital at Lewisham, in the midst of a rising suburb ; that the Asylums Board propose to purchase this site, though there are several other sites available in the immediate neighbourhood, the selection of which would not injure the inhabitants ; whether he is also aware that the inhabitants have pledged themselves that if the Asylums Board choose one of the suggested sites in their parish, instead of the proposed site, no opposition will be raised to the erection of such hospital in Lewisham ; that the site, for which the Board propose to pay £22,500, was within a period of a few months sold to the present owner, with two and a-half additional acres, for a sum of £12,600 ; and whether he will cause inquiry to be made into the matter ?

*MR. H. H. FOWLER : The question whether the consent of the Local Government Board should be given to the purchase by the Metropolitan Asylums Board of a site for a fever hospital at Lewisham is now under consideration. An inquiry has already been held upon the subject.

"KELLY v. RATTRAY."

MR. T. W. RUSSELL : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he has observed that the scope of the Rent Redemption Act passed in 1891 has been greatly narrowed by the decision of the Court of Appeal in Ireland in the case of "Kelly v. Rattray" ; and whether, in view of the fact that the reason of the decision was purely technical, the Government will either introduce an amending

measure or assist a measure for that purpose introduced by private Members?

MR. J. MORLEY: I am advised that the Redemption of Rent Act, 1891, in terms only applies to cases of landlord and tenant, and such was the decision of the Court of Appeal in Ireland. I am informed that the cases of fee farm grants, reserving a full agricultural rent, to which the Act does not apply by reason of the relation of landlord and tenant not existing, are likely to be very few in number, and I cannot undertake to introduce an amending Bill, or to assist a measure for the purpose.

OUTRAGE IN COUNTY CLARE.

MR. ARNOLD-FORSTER: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that, on the 17th May, the house of Mr. Pearce O'Brien, J.P., near Ennis, County Clare, was fired into; and whether any arrests have been made in connection with this outrage?

MR. J. MORLEY: A revolver shot was fired outside, but not into, the house of Mr. O'Brien on the date mentioned. No arrest has yet been made in connection with this outrage.

THE ATTACK ON A BERMONDSEY VICAR.

MR. MACDONA (Southwark, Rotherhithe): I beg to ask the Secretary of State for the Home Department if his attention has been called to a letter in *The Times* of 1st June, signed J. F. Benson Walsh, Vicar of St. Ann's, Bermondsey, in which he states that his version of the attack upon him by the mob in Bermondsey has not heretofore been given to the public, because until now he was not able to see, much less to write, but that now he will be pleased with the help of witnesses to prove that the facts of the case were as previously stated; and whether he will make inquiry into the circumstances of the case and offer a reward for the perpetrators of the crime?

MR. BARROW (Southwark, Bermondsey): May I inquire whether the Rev. Mr. Walsh was well enough to go to the seaside a fortnight ago and last Sunday week to conduct the Church services as usual without the aid of glasses; and whether he has since been to the Continent?

Mr. T. W. Russell

MR. STUART-WORTLEY (Sheffield, Hallam): I desire to ask whether the question last asked by the hon. Member affecting a private individual is not within the ruling given by you, Mr. Speaker, against such questions the other day? The question is put under circumstances which prevent its being answered.

*MR. SPEAKER: It would have been better had the hon. Gentleman waited to hear the reply of the Minister.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): In answer to the question on the Paper, I may say that full inquiry has already been made into this case. But if the rev. gentleman can either give information himself, or obtain evidence from other witnesses, which will throw further light upon the matter, I hope that he will be good enough to put himself in communication with the police, who will give the most careful attention to any fresh materials which may be brought before them. No effort has been or will be spared to detect the guilty persons and to bring them to punishment; but experience shows that the offer of rewards in such cases does not tend to promote the ends of justice.

MR. MACDONA: May I forward to the right hon. Gentleman the correspondence connected with the case?

MR. ASQUITH: Yes.

THE WELSH SUSPENSORY BILL—THE PROGRESS OF GOVERNMENT BUSINESS.

MR. STANLEY LEIGHTON: I beg to ask the First Lord of the Treasury if he can inform the House how many parishes geographically within the operation of the Welsh Suspensory Bill are exempted from its Suspensory Clause; and if he can state what is the proportion of the population who will be thus excluded from participation in the benefits proposed to be conferred by the Bill?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): I have no official means of getting at the knowledge which the hon. Gentleman desires to obtain; but if the hon. Member has any great anxiety on this subject, as is testified by his repeated questions, I venture to make this communication to him and to

others—that the Government do not, in the slightest degree, object to introduce an Amendment into the Bill at the proper stage, which would allow private advowsons to be brought within the scope of the Bill by consent of the person interested in the advowson; and I can also promise him, as to one parish with which I am intimately connected, that that consent will be given.

VISCOUNT CRANBORNE (Rochester): After the important communication just made by the right hon. Gentleman, I wish to ask when we shall have an opportunity of inserting those Amendments in the Bill?

MR. BARTLEY (Islington, N.): I desire to ask the First Lord of the Treasury whether he can inform the House when he proposes to take the Second Reading of the Local Veto Bill, or whether that measure is to be dropped?

MR. W. E. GLADSTONE: I am sorry the answer is to this effect—that I can throw no light whatever upon the stages or the progress of the Bill, or of any Bill, until we have made effectual progress with the Home Rule Bill.

MR. BARTLEY: Are we to understand that the Local Veto Bill is really dropped?

MR. W. E. GLADSTONE: No more than all the other Government Bills, the whole of which are practically suspended, and with respect to which I have no communication to make.

MR. THEOBALD: That means, I presume, that they are all dropped?

MR. ALBAN GIBBS (London): I beg to ask the First Lord of the Treasury whether it is intended by the Welsh Suspensory Bill, in the case of a benefice in private patronage, where the incumbent has *jure officii* rights of patronage, to suspend the vested interests of any incumbent nominated by the clergyman, and to reserve the vested interests of any incumbent nominated by the lay patron?

MR. W. E. GLADSTONE was understood to answer in the affirmative, adding that the question correctly interpreted the Bill as framed.

THE FINANCIAL PROPOSALS OF THE HOME RULE BILL.

MR. J. CHAMBERLAIN (Birmingham, W.): I beg to ask the First Lord of the Treasury whether the Government have now completed their inquiry into the Estimates on which the financial proposals of the Bill for the Government of Ireland have been based, especially with regard to the contribution from the Excise to the Irish Budget; and whether he can now fix a date when the amended proposals of the Government in regard to the financial relations between the two countries will be laid upon the Table?

MR. W. E. GLADSTONE: The inquiry to which my right hon. Friend's question refers has been rather minute, but it is now completed, and the Estimates will be laid upon the Table within the present week. The amended proposals of the Government in regard to finance will be presented immediately afterwards.

IRISH POLICE RECORDS.

MR. ARNOLD-FORSTER: I beg to ask the First Lord of the Treasury whether, in the event of the Government of Ireland Bill becoming law, all confidential Reports, records, and other documents relating to the commission and detection of crime, the treatment of prisoners, and generally to the administration of the Criminal Law, which are now among the records in Dublin Castle, or elsewhere in Ireland, will be removed from the inspection of Irish Ministers and placed in safe custody within the limits of Great Britain?

MR. W. E. GLADSTONE: This question does not in terms refer to a distinction which I have no doubt the hon. Gentleman has in his mind between that class of Papers which are in the main confidential and the class of Papers which may be called routine. With respect to those called routine, I do not suppose he would wish to have them removed; but with respect to Papers which are confidential, or included within confidential limits, undoubtedly I think it would be right that they should be regarded as a closed door, and that those Papers should not be considered as part of the material officially at the disposal of the Irish Government.

INDIAN CIVIL SERVICE EXAMINATIONS.

MR. SEYMOUR KEAY (Elgin and Nairn) : I beg to ask the First Lord of the Treasury what steps the Government intend to take to carry into effect the Resolution of the House as to the holding of simultaneous Civil Service examinations in India and England ?

LORD R. CHURCHILL (Paddington, S.) : With the permission of the House, I wish to put a question to the right hon. Gentleman which I will confine as near as I can to the strict form of a question. But the subject is of such great interest that perhaps I may be forgiven if I stray for a moment. I wish to ask the First Lord of the Treasury whether, viewing the circumstances of the Debate on Friday night on the question of the natives of India passing into the Covenanted Civil Service of India without going through the examination held in this country, he will, on certain arguments bearing on the question, give the House of Commons another opportunity of re-considering the subject? Hon. Gentlemen opposite will find that the demand I make is one of extreme moderation. Is the right hon. Gentleman aware that the Representatives of the India Office, after consultation with the Secretary of State, are opposed to the change proposed in the Resolution, which was submitted to a very thin House and carried by a very small majority? Is he aware that the subject has occupied the most attentive and profound study of a succession of Secretaries of State for India, and does he know—

MR. SEYMOUR KEAY : I rise to Order. I wish to have your ruling, Mr. Speaker, as to whether it is in Order thus to question a Resolution of this House?

*MR. SPEAKER : I do not understand that the Resolution is in terms questioned. The noble Lord asks the Government what they propose to do upon a Resolution passed the other night; whether they propose to act upon it, or what course they intend to adopt.

MR. SEXTON : I rise to ask whether the House did pass any Resolution on Friday night? The Question was, Mr. Speaker, "That you leave the Chair."

MR. SPEAKER : The words were added. The hon. Gentleman in charge

of the Resolution moved the Closure. I said it was not necessary to move the Closure, and put the Question, "That those words be there added." Then, after it was too late to make objection, an hon. Member said, "I object." That was after the words had been added. I may now say that if it had been necessary I should have accepted the Motion for the Closure made by the hon. Gentleman in charge of the Resolution.

LORD R. CHURCHILL : As to the point of Order, of course, Sir, I would not think of disputing your ruling. I had nearly completed my question when I was interrupted. I will still keep within the form of a question, and, under the very exceptional circumstances, when the question involves the defeat of the Government on a matter on which I think the general body of the House would be prepared to support them, I will ask whether a long succession of Indian Secretaries, belonging to both Parties, have ever had a doubt—[*Cries of "Order !"*]

*MR. SPEAKER : I am afraid the noble Lord is giving a reason why the Government should take a particular course. The noble Lord may ask what course the Government intend to adopt.

LORD R. CHURCHILL : I will say no more than that the matter is far more important than any other of which I know, and I thought it necessary to give an explanation. The Government will understand my motive.

MR. LABOUCHERE (Northampton) : I would ask the Prime Minister whether he is aware that the noble Lord did not think it worth while to come and vote against the Resolution?

MR. W. E. GLADSTONE : I may say, with respect both to the question of my hon. Friend the Member for Elgin, and to that of the noble Lord, I entirely agree with the motive at the root of them—namely, that this is a matter of very deep importance indeed, and as to which, no doubt, as the world at large is aware, there has been a great deal of inquiry and consideration in India. The time has been very short. Not a moment has been lost in giving attention to the subject, both by the Secretary of State for India and by the Government; and if my hon. Friend will postpone his question for a couple of days, I shall be able, I think, to give him an answer as to the

views which the Government take of the present situation. That, perhaps, is the best answer I can give to the noble Lord opposite.

TRADE MARKS IN GERMANY.

MR. STUART-WORTLEY : I beg to ask the Under Secretary of State for Foreign Affairs whether he can give any further information as to the fate of the German Draft Bill for the Protection of Trade Marks, and the repressing of false trade descriptions, of which a Copy was set out in "Commercial, No. 1, 1893" [C. 6854] ?

***THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS** (Sir E. GREY, Northumberland, Berwick) : The German Trade Marks Bill was interrupted in Committee by the dissolution of the Reichstag. It is expected that the measure will be laid before the new Parliament at the first opportunity.

ROYAL IRISH CONSTABULARY EQUIPMENT.

MR. T. M. HEALY : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if the men of the Royal Irish Constabulary are compelled to provide themselves with valises, haversacks, and leggings, and pay for them out of their own pockets ; if men are compelled to wear leggings in hot weather, to the injury of their health, on detachment duty, &c. ; what is the cost of these articles on each man, and was it left optional to the officers to procure the new silver ornaments ; what is the utility of these valises ; and will he see that the men are either relieved from purchasing valises and leggings, or cause them to be supplied like the rest of the men's clothing ?

MR. J. MORLEY : I understand the men of the Royal Irish Constabulary are required to provide themselves with the articles mentioned at their own expense, the prices of which are—valise, 11s. ; haversack, 2s. 8d. ; leggings, 3s. 1d. Leggings are required to be worn on all outdoor duties between November and March inclusive, also on detachment duty. The Inspector General has no reason to think that the wearing of leggings as stated is injurious to health ; on the contrary, he imagines their use in

wet weather is conducive to health and comfort, particularly when men are on detachment duty. The new silver ornaments for officers were ordered to be introduced after a majority of the officers had declared in favour of them. The valise is apparently indispensable on detachment duty, as it contains a change of clothing, shirt, boots, &c. The Inspector General cannot recommend that the articles referred to should be supplied at the public expense.

CHARITABLE FUNDS IN DUBLIN.

MR. T. M. HEALY : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to certain irregularities alleged to have taken place on the part of the Trustees in connection with the expenditure of funds bequeathed for charitable purposes to the parishioners of the united parishes of St. Nicholas, Without, and St. Luke, Dublin ; whether the Government can take any action in the matter ; how much money is paid annually to those Trustees by the Commissioners of Charitable Donations and Bequests ; and if properly vouched accounts of the expenditure of the amount so paid are furnished to the Commissioners by the Trustees ?

MR. J. MORLEY : The Secretaries to the Commissioners state that, so far as they have the means of ascertaining, they are unable to find that the irregularities referred to have taken place. It is true that allegations in this respect have been made to the Commissioners from time to time by a person formerly in the employment of the rector and Vestry ; but when called upon to make a specific charge to enable the Commissioners to make inquiry, he declined to do so. The amount annually remitted by the Commissioners for the benefit of these parishes is £54 5s. 4d. Accounts have been specially rendered of such funds as are usually accounted for the Commissioners ; but it is not their practice, I am informed, to require Trustees to support their accounts by vouchers. The secretaries have, however, examined all the books of the united parishes, and are satisfied that the funds in the hands of the Trustees have been applied in accordance with the Trusts affecting them.

EQUALISATION OF LONDON RATES BILL.

MR. WHITMORE (Chelsea) : I beg to ask the President of the Local Government Board whether, with a view to giving to the County Council and the Local Authorities of London full opportunities for the consideration of the provisions of the London (Equalisation of Rates) Bill, he will name a date before which its Second Reading will not be taken ; and whether he can fix an approximate date for its Second Reading ?

***MR. H. H. FOWLER** : This question has been virtually answered by the Prime Minister. Due notice will be given of the Second Reading of the Bill, and I have every reason to believe that the Local Authorities of London will have ample time for the consideration of the provisions of the Bill.

MR. WHITMORE : When is it the intention to take the Second Reading ?

MR. H. H. FOWLER : I can only repeat that ample notice will be given.

UGANDA.

MR. LABOUCHERE : I beg to ask the Under Secretary of State for Foreign Affairs whether any telegraphic communication has been received from Sir Gerald Portal in regard to his action in Uganda ; if so, whether he will communicate it to the House ; if not, whether he will telegraph to Her Majesty's Representative at Zanzibar to inquire whether any Despatch has been received by him from Sir Gerald Portal, and, in the event of such a Despatch having been received, desire him to telegraph it to the Foreign Office ?

***SIR E. GREY** : A telegram has been received from Zanzibar, in which it is stated that Sir Gerald Portal requests sanction for the temporary appointment of a transport officer on the road to Uganda beyond the Company's territories. Mr. Rodd further states that he hears that the Commissioner was, on the 31st of March, on the point of proceeding to Buddu to investigate Catholic grievances. Her Majesty's Government do not think it necessary to make inquiry by telegraph as to the further contents of Despatches, which are on their way.

THE CATHOLICOS KHRIMIAN.

MR. FRANCIS STEVENSON (Suffolk, Eye) : I beg to ask the Under Secretary of State for Foreign Affairs whether he is able to state the result of the negotiations relating to the detention of the Catholicos Khrimian at Jerusalem ?

SIR E. GREY : Her Majesty's Government have not entered into any negotiations on the subject, and they have no official information respecting it.

THE ARMY AND HOME RULE.

MR. FLYNN (Cork, N.E.) : I beg to ask the Secretary of State for War if his attention has been called to the fact that a Petition against Home Rule is being circulated amongst the wives of non-commissioned officers and men at the Curragh Camp ; that it has been initiated by the wife of the Lieutenant Colonel ; and that it has been taken round for the women's signatures by the Colonel's orderly ; and whether the War Office Authorities have any knowledge of this proceeding, and is it in accordance with the Regulations of the Service ?

***MR. CAMPBELL-BANNERMAN** : The General Officer commanding at the Curragh has reported as follows :—

"A Petition against the Home Rule Bill was circulated among the wives of the non-commissioned officers and men of the Royal Engineers in this camp ; it was not initiated by the wife of the Commanding Royal Engineer, but was a portion of one initiated in the County of Kildare by the Duchess of Leinster. The soldier who voluntarily took the Petition round was not acting as Commanding Royal Engineer's orderly, but in his private capacity when off duty."

So much for the facts. If I am asked for my opinion on the general question, I would say that any agitation or propagation of Party or political views on one side or the other among soldiers in camps or barracks is to be strongly deprecated, and in this case it was indiscreet (to say the least of it) to allow the Commanding Officer's orderly, even in his leisure moments, to circulate a political Petition.

MR. FLYNN : Will the circulation of this or similar Petitions be discountenanced by the War Office ?

MR. CAMPBELL-BANNERMAN : I hope, after this expression of my opinion, it will not be done.

THE STATE OF CLARE ISLAND.

PERSONAL EXPLANATION.

MR. JACKSON (Leeds, N.): I desire, with the indulgence of the House, to put a question to the Chief Secretary to the Lord Lieutenant of Ireland. Owing to my attendance in a Committee upstairs on Friday I was not in my place at Question time, and it was only on Saturday, while travelling by train, that I learned that a reference had been made to me by the Chief Secretary and by the hon. and learned Member for North Louth, which took me by surprise. I at once wrote to the Chief Secretary, and telegraphed to the hon. and learned Member for Louth, that I would put a question to-day. In order to make the matter clear, I will read a portion of the question to which I refer. The hon. and learned Member for Louth, putting a supplementary question to one put by the hon. Member for Down in reference to some outrages at Clare Island, made the statement—

"That the evictions which were to have been carried out were abandoned under the pressure which had been brought to bear by the Leader of the Opposition when he was Chief Secretary." To which the Chief Secretary replied—

"I believe the facts mentioned by my hon. and learned Friend are correct, except that the action referred to was not taken by the Leader of the Opposition, but by his successor."

Then the hon. Member for South Antrim asked—

"Does the right hon. Gentleman say that any pressure was brought to bear by the Chief Secretary?"

And the hon. and learned Member for North Louth said—

"I stated that, and I stick to it."

MR. T. M. HEALY: I stick to it, and I will prove it to-day.

MR. JACKSON: Perhaps the hon. Member will allow me to complete my question first. The hon. and learned Member added—

"In any case, the evictions were abandoned."

The Chief Secretary then said—

"To the best of my recollection certain legal proceedings were withdrawn in consequence of the then Chief Secretary becoming aware of the desperate and deplorable condition of some of the people in the district."

I desire to ask the Chief Secretary if he will be good enough to inform the

House, upon whom I brought any pressure, what was the nature of that pressure, and when was it brought?

MR. T. M. HEALY: May I be allowed to make a statement before the Chief Secretary replies? [*Cries of "Order!"*] I am entitled to be heard, and I will be heard. Twenty-two persons were served with eviction notices in Clare Island. The Adjournment of the House was moved with reference thereto by my hon. Friend the Member for the City of Cork. Thereupon, the private secretary to the right hon. Gentleman the Member for North Leeds went down to Clare Island and the evictions were abandoned.

MR. J. MORLEY: In answer to the right hon. Gentleman, I have to say this: that I was speaking upon the spur of the moment on Friday, and I was dependent upon the recollection of the moment. My recollection was very much as my hon. and learned Friend has just stated. I remember the Adjournment of the House being moved in connection with certain evictions then in progress in Clare Island, and I remember that during the Adjournment—I think the Whitsuntide Recess—these evictions, for some reason or other, were stayed. It was assumed, whether the right hon. Gentleman's private secretary had anything to do with it or not, that there was some action taken by the right hon. Gentleman, in withdrawing assistance or in some other way, which had checked these proceedings. I find, whatever measures were taken by the Irish Government were not of the nature or extent supposed, and if any false impression has been conveyed by what I said I regret the misrepresentation.

MR. JACKSON: I think I shall convince the right hon. Gentleman that he has hardly done justice in his answer to the question I put to him. Let me, first, say that the charge made against me—if charge it may be called—was specific.

MR. T. M. HEALY: It was a compliment to you.

MR. JACKSON: A compliment? Well, I do not wish to take credit I do not deserve. The statement was specific that I had brought pressure to bear, and that, in consequence, certain legal proceedings had been withdrawn. I will tell the House, and I think the House

will believe, that, so far as I am concerned, there is not a word of truth from beginning to end in that statement. Now I will answer the hon. and learned Member for North Louth, and I hope he will see the justice, if not to me, to the House, of withdrawing a statement absolutely without foundation. The hon. and learned Member has referred to a visit paid to Clare Island by my private secretary. I will tell the House what happened about that. I am not sure whether it was at Easter or at Whitsuntide—I think it was at Easter—I went down to Galway, in connection with some work of the Congested Districts Board, to meet Mr. Green, a member of that Board, and we went across on a Saturday to Arran to see what had been done there, and to see how the arrangements had been carried out with reference to the matter of the fishing. I came back on Saturday night, and slept at Galway, and I occupied Sunday in looking about the place, and making one or two visits. I came back on the Monday morning. My private secretary was anxious to see what was being done with regard to certain curing stations in connection with the District Board at Innisboffin, and he went round to Mr. Tuke, Mrs. Tuke, and Father Davies in a steamer which was hired by Mr. Green. Father Davies desired to go to Clare Island to see the priest there, and my private secretary went on to Clare Island with Father Davies, in order to insure his getting back in time. They were in Clare Island 20 minutes, and absolutely no communication, direct or indirect, passed between me or my private secretary with anybody connected with the evictions.

PRIVILEGE.

GOVERNMENT OF IRELAND BILL.

Mr. J. CHAMBERLAIN (Birmingham, W.): I feel it my duty, Mr. Speaker, to call the attention of the House to what I believe to be a breach of Privilege in connection with two statements that appear in *The Daily News* of to-day. The first of these statements purports to be a report of a portion of the Debate in Committee of the House of Commons on Thursday night last, and I call atten-

Mr. Jackson

tion to the character of the following report, which is headed—

“English Gentlemen,”

“Scene: the House of Commons. Time: 11 p.m. The Home Rule Bill in Committee; Mr. Mellor in the Chair.

“Mr. Gladstone: As a pointed appeal has been made to me by my right honourable Friend [*laughter*], perhaps I may be allowed to say [*loud cries of ‘No, no’*] that, while I accept the principle of the Amendment, I am not quite satisfied with its terms. [*‘Oh, oh.’*] I said before—but my voice is not quite so strong as it used to be [*loud cheers, ‘Speak up,’ ‘We can’t hear you,’ ‘Progress, progress’*—that the Government would bring up a new clause dealing with the subject. [*Loud and prolonged laughter.*] I am at a loss to understand why that statement should excite merriment. [*Loud cries of, ‘Oh, oh,’ ‘Rigby, Rigby,’ ‘Progress, progress.’*] I do not share the suspicions of the Irish people so freely expressed by Gentlemen opposite. [*Loud laughter and ironical cheering.*] I am not angry. [*Shouts of ‘Oh, oh.’*] I am grieved to the heart [*Loud and prolonged cheering*] that such a declaration should be so received. [*Loud and repeated shouts of ‘Progress, progress,’ ‘Rigby, Rigby.’*]

“The Chairman: Order, order, Mr. Chamberlain.”

I will first say, Sir, what is imputed to my right hon. Friend, that it does represent, with more or less accuracy, the language he used about 11 o’clock on Thursday night; but the justice of my complaint with regard to this report lies, of course, in the interpolations with which it is alleged the speech of my right hon. Friend was received by the House. It is reported, in what professes to be a *verbatim* report, that there were 12 interruptions of a most offensive, and in some cases most malignant character. That is the report of what my right hon. Friend said. Then, Sir, I am made to speak, and these are the words put into my mouth—

“Mr. Chamberlain: ‘I am sure my right hon. Friend mistook the meaning of the sounds to which he alluded. They were, I am convinced, intended to express the general esteem and regard in which he is held by all sections of the House.’ (Great laughter, in which Mr. Chamberlain, as he resumed his seat, heartily joined).”

Of course, the House may think that this report is intended to be a burlesque, but, if so, it is a very dangerous burlesque, for it is calculated very much to increase the bitterness which necessarily arises in connection with such a Debate as that upon the Home Rule Bill. It imputes to the Opposition and to me a deliberate attempt to insult my right hon. Friend,

an offence of which neither my hon. Friends nor myself have ever been guilty. [Mr. GLADSTONE nodded assent.] What happened on Thursday night was this. My right hon. Friend agreed to accept a portion of an Amendment which had been moved, and he proposed in some way or other to restrain the powers of the Irish Legislature to create a central police force; but in doing so he said he did not share the suspicions upon which the claims for the Amendment were based, and he thought those suspicions were unfair to the Irish people and their Representatives. Thereupon there was slight laughter on the other side of the House, and that laughter, as I have some reason to believe, was merely an expression of an objection to my right hon. Friend's statement that the proposal to impose another safeguard in a Bill which is full of safeguards could be in any way a slight upon the Irish people. So I understood the interruption, such as it was, and accordingly when I got up I said to my right hon. Friend that I was sorry that he should be pained by what he heard, and I pointed out that the interruption was due to the opinion that there was no more slight to the Irish people in requiring this particular safeguard than in putting in all other safeguards in the Bill. I have put before the House exactly what occurred. Already to-day I have seen two or three people who, I think very naturally, not having been present in the House, although Members of the House, assumed this to be an accurate report of what occurred. There is not a word to show that it is otherwise than an accurate account, and if throughout the country the idea gains ground that there is this extreme and malignant feeling between the two sides of the House, it will be a public mischief and a public scandal. I have never before called attention to a matter of Privilege. I do so now because I wish to call attention to the policy of the particular journal to which I have referred, whose chief proprietor is a Member of this House, and one of whose chief writers is also a Member of this House; and because I think it is time to protest against such conduct, as not only prejudicial to the Members attacked, but also injurious to the honour and dignity of this House. I shall ask the Clerk at the Table to read this extract, but before

I do so I have another to which I wish to draw attention. The practice of this journal is to give false accounts of speeches made in this House by Members of the Party it opposes, and then it proceeds to comment on those false reports. I never have objected to newspaper comments, and I am not likely to begin to do so now; but I do object when those comments are based on false statements of fact. The language in the leading article in *The Daily News* of to-day is to the following effect:—

"He lives to carry out a great policy, and he will not spare himself in the task. Deliberate and organised attempts to interrupt him, to embarrass him, and to shout him down ought to be sharply and sternly punished. If Irish Nationalists behaved as some of the Tories behaved on Thursday night, they would have been promptly named and suspended."

I respectfully submit to the House that both these statements are breaches of the Privilege of the House. As regards the reporting of our Debates, nothing is clearer than that, although the general idea that any report of our Debates is a breach of Privilege has long fallen into desuetude, anything like a deliberate misrepresentation of our Debates is still a breach of Privilege. As regards the second passage, that is a deliberate attack on the impartiality of the Chair, because it is alleged that the Chairman would have named and suspended the Irish Members for precisely similar interruptions to those which occurred on Thursday night, and were not noticed by the Chairman.

The said newspaper was handed in, and the passages complained of were read, as followeth:—

"English Gentlemen.

"At least our associates are English gentlemen."—Right hon. J. Chamberlain, M.P.

"Scene: The House of Commons. Time: 11 p.m. The Home Rule Bill in Committee; Mr. Mellor in the Chair.

"Mr. Gladstone: As a pointed appeal has been made to me by my right honourable Friend—(laughter)—perhaps I may be allowed to say—(loud cries of 'No, no')—that while I accept the principle of the amendment, I am not quite satisfied with its terms. ('Oh, oh.') I said before—but my voice is not quite so strong as it used to be—(loud cheers, 'Speak up,' 'We can't hear you,' 'Progress, progress')—that the Government would bring up a new clause dealing with the subject. (Loud and prolonged laughter.) I am at a loss to understand why this statement should excite merriment. (Loud cries of 'Oh, oh,' 'Rigby, Rigby,' 'Progress, progress.') I do not share the

suspicions of the Irish people so freely expressed by gentlemen opposite (loud laughter and ironical cheering). I am not angry (shouts of 'Oh, oh'). I am grieved to the heart—(loud and prolonged cheering)—that such a declaration should be so received. (Loud and repeated shouts of 'Progress, progress,' 'Rigby, Rigby.')

"The Chairman: Order, order. Mr. Chamberlain.

"Mr. Chamberlain: I am sure my right honourable Friend mistook the meaning of the sounds to which he alluded. They were, I am convinced, intended to express the general esteem and regard in which he is held by all sections of the House. (Great laughter, in which Mr. Chamberlain, as he resumed his seat, heartily joined.)

"Nothing is more difficult than to convince Mr. Gladstone that he ought to husband his strength. He lives to carry out a great policy, and he will not spare himself in the task. Deliberate and organised attempts to interrupt him, to embarrass him, and to shout him down ought to be sharply and sternly punished. If Irish Nationalists behaved as some of the Tories behaved on Thursday night, they would have been promptly named and suspended."

Mr. T. M. HEALY (Louth, N.): I rise to a point of Order. I think I heard the Clerk read out something of which the right hon. Gentleman did not complain—namely, that at least his associates were English gentlemen.

*MR. SPEAKER: Does the right hon. Gentleman move that these passages constitute a breach of the Privileges of this House?

Mr. J. CHAMBERLAIN: I move, Sir.

Motion made, and Question proposed,

"That the passages in *The Daily News* complained of constitute a breach of the Privileges of this House."—(Mr. J. Chamberlain.)

*THE CHAIRMAN OF COMMITTEES (Mr. MELLOR, York, W.R., Sowerby): As I was in the Chair at the time referred to in the article, I think I ought not to allow this matter to pass by without saying a few words with regard to what occurred on Thursday night. One of the statements in the article is that had Irish Nationalists behaved as some of the Tories did on that night they would have been named for suspension, and that, I suppose, has reference to myself. [*Cries of "No!"*] I sincerely hope that it has not; but, taking the statement in conjunction with the other paragraph that was read, I came to the conclusion that some persons might think that the reference was

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to myself. Let me call attention to the position on that night. There was undoubtedly a slight noise such as has been described; but I may at once tell the House that I am not able to recognise in the paragraphs in *The Daily News* that I have seen to-day the state of things I heard then. But I may state, further, that this happened on Thursday, and it is not until Monday this paragraph appears. My impression was that this was not intended to be a serious account of what took place in the House of Commons. I noticed that when the Prime Minister was speaking on Thursday night there was either a slight laugh or slight noise. But I wish to call attention to this—that when I am sitting in the Chair it is very difficult for me to take notice of anything that occurs behind me, and, unquestionably, what I heard on that occasion was behind me. I have, I hope, always done my best to maintain the honour and dignity of this House. I am as anxious as anybody can possibly be that no disorder, no heat, and no ill-feeling shall arise; but it is impossible for me to take notice of any disorder caused by an individual when I do not know who he is and cannot see him. Therefore it is that I occasionally pass over matters which, under other circumstances, I might take notice of. I believe that the House will agree with me that I have always endeavoured to make no distinction between Members of one Party and Members of another; and, whilst I am in the Chair, I shall always try to carry out the very difficult and very responsible duties which the House has imposed upon me in that spirit.

Mr. T. P. O'CONNOR (Liverpool, Scotland): I am sure no Member of the House, or any Party in the House, desires to cast the smallest reflection on the impartiality of the right hon. Gentleman the Chairman of Committees. We all recognise the pains with which he discharges his duties, and his desire to be perfectly impartial to every section of the House. I was glad, however, to hear the right hon. Gentleman confess that the position he occupies in the Chair does not always enable him either to recognise the persons who interrupt, or the entire character of the interruptions; and I therefore feel bound to say that I am entirely at issue with him as to the

character of the interruptions. I believe I shall be borne out by a large number of hon. Members of this House when I say our strong impression was that on that night the right hon. Gentleman at the head of the Government was not only very much, but very grossly and rudely interrupted. [*Cries of "Oh!" and "No!"*] [Mr. W. E. GLADSTONE signified dissent.] The right hon. Gentleman himself, I know, rose immediately after these interruptions, and put upon them a different, and, I think, a very charitable interpretation, because he said he was not angry, but that he was grieved to the heart at these interruptions—[*Cries of "No!"*—interpreting them as meaning a reflection, not on himself personally, or a desire to interrupt him rudely, but as a reflection on the Irish people. But I am a little surprised at the action of the right hon. Gentleman the Member for West Birmingham. I hold that the charge made in *The Daily News*—a charge, in my opinion, fully made out by the facts of the case—[*Cries of "Oh!"*]—I hold that the charge in *The Daily News* is a serious and a grave charge. It is that of gross and rude ill-treatment of a leading Member of this House, who is entitled to the respect of every hon. Member of the House. But I remember, Mr. Speaker, that on previous occasions attention has been called to comments by newspapers on Members of this House, charging them, not with this sufficiently grave offence of bad manners, but with complicity in forgery and with murder, and yet the right hon. Gentleman the Member for West Birmingham joined in all the speeches that were made that the Press should be perfectly entitled to make these charges without any interference on the part of this House. I must say the right hon. Gentleman's tenderness as to himself contrasts very seriously, indeed, with the manner in which he viewed attacks on the late Mr. Parnell. I am not surprised, however, that the right hon. Gentleman should make his Motion to-day. The ingenuity of the right hon. Gentleman in finding means of postponing—[*Cries of "Oh!"*]—all the business of the country is excessive—[*Cries of "Oh" and "Order!"*]—and, therefore, I was not surprised that he was able to seize on the comments of *The Daily News* as a means of occupying

some of the time of the House to-day. [*Cries of "Question!"*] What is his charge? His charge is that *The Daily News* misrepresents the attitude of himself and hon. Gentlemen above the Gangway who act with him with regard to the Prime Minister. Well, I can tell the right hon. Gentleman that a feeling is growing in this House, and it is growing still stronger in the country, that the object of the right hon. Gentleman is to waste the energies—[*Cries of "Question!"*]—the energies of the House—[*Renewed cries of "Question!"*]

*MR. SPEAKER: I must interrupt the hon. Gentleman. The question before the House is one of Privilege, and the discussion must be strictly confined to whether the words read at the Table do constitute a breach of Privilege. The hon. Gentleman will, therefore, confine himself strictly to the event of that Thursday night on which the comments in the paper now before the House were made.

MR. T. P. O'CONNOR: I will, of course, Sir, as I hope I always do, endeavour most scrupulously to respect your ruling and your suggestion. I will not pursue that line of argument further than to say my reason for alluding to it was—[*Cries of "Order!"*]—that I believe the comments of *The Daily News* on the action of the right hon. Gentleman that night, and on those who act with him, were rather beneath his deserts than above them. I believe *The Daily News* was justified in its comments, because undoubtedly on that night the right hon. Gentleman and his confederates above the Gangway were endeavouring to interfere and postpone and delay discussion on the Bill—[*Cries of "Order!"*]—and that one of their means of doing so was by what I may call baiting the First Lord of the Treasury. I have no right to make any suggestion to the right hon. Gentleman at the head of the Government—it would be presumptuous on my part to do so—[*"Cries of Order!"*]—I am sure if hon. Gentlemen who hear me are not able to measure their own littleness compared with the right hon. Gentleman, I am—but I would strongly implore the Prime Minister not to give encouragement to the system which has now been organised—[*Cries of "Question!"*]—of which the proceedings of Thursday night—[*Renewed cries of*

"Question!"]—were only a little more flagrant specimen than than on other occasions. For these reasons, I beg to move as an Amendment—

"That this House declines to take notice of the extracts read from *The Daily News*, and passes to the Orders of the Day."

Mr. A. J. BALFOUR (Manchester, E.) and Mr. HUNTER (Aberdeen, N.) rose together.

*Mr. SPEAKER (addressing Mr. Hunter): Does the hon. Gentleman rise to second the Amendment?

*Mr. HUNTER said, he begged to second the Amendment. It had been said by Sidney Smith that it required a surgical operation to put a joke into the head of a Scotchman. That raised a serious question to his mind—as to whether the right hon. Gentleman the Member for West Birmingham was a Scotchman—because no man could read the passage in *The Daily News*—deliberately and purposely exaggerated—without being reminded of those contributions which appeared every week in the pages of *Punch* under the name of "Toby M.P." which contained similar exaggerations. [*Cries of "No!"*] He could scarcely believe it possible that any Englishman could read the passage and suppose it to be an absolutely historical record of the proceedings of the House. For one thing it did not appear in that part of the paper which gave the report of the proceedings. He was glad to discover that after all they who came from Scotland were capable of seeing humour where their friends from the South were not.

Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words "this House declines to take notice of the extracts read from *The Daily News*, and passes to the Orders of the Day."—(*Mr. T. P. O'Connor.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. W. E. GLADSTONE: If I bear a part in the drama which has been brought before us, it is, I can assure the House, an involuntary part; and it causes whatever embarrassment I feel in intervening in this Debate which I am aware pertains to the position that for the moment I have the honour to hold in this House. But I must say this, and

my right hon. Friend the Member for West Birmingham will not misunderstand me, engaged, as we are, in a very grave national and Imperial controversy, I regret the importation into our proceedings of anything collateral, anything not essentially and necessarily involved in their character, anything which can possibly evoke or can possibly make an addition to the passions, to the feelings of warmth which I am well aware are inseparable from the main issue. But, above all, I am anxious that in the midst of this controversy this House should not go out of its way to do any act which is petty or small. We ought to be—and I am sensible that the matters with which we are engaged are great matters, and we ought, I think, to conform in all respects to that conception of them. For my own part, I confess I have not read the words which have been quoted to us by my right hon. Friend. Undoubtedly if I had read them in the usual course of one's examination of the newspapers, I should have supposed that they were not intended seriously as a report of the proceedings of this House, and, moreover, I should have supposed—I may be right or I may be wrong—that no one could have mistaken them for a serious report. And, shall I confess it?—it is my impression now at the present moment. But my duty, undoubtedly, is not limited to the delivery of that opinion. I think it is right I should refer to what took place on Thursday night, and with respect to those matters I can give an account which, so far as I am concerned, is perfectly clear, and which I hope may tend to allay any feelings of offence or dissatisfaction that are anywhere entertained. In the first place, Sir, it is, perhaps, hardly right I should give an opinion upon any comments made in a public journal upon the conduct of the Chairman of Committees. Yet I am prompted to say under the circumstances of the case, and closely associated as I was with those circumstances—I am tempted to say that I am convinced that no writer intending to be seriously understood and founding himself upon such a report of the circumstances as that could have found the slightest ground of imputation upon the Chairman of Committees on that occasion. But it is perfectly true and quite within my recollection, as stated by him, that the inter-

ruption which occurred came from behind the Chairman, and I cannot conceive how, if he had had the eyes of a lynx, it would have been in his power to notice the interruption. Now I refer to the interposition of my right hon. Friend the Member for Birmingham on that occasion. It would have been extremely wrong if I had misunderstood the character of that interposition. My right hon. Friend and I now-a-days, unfortunately, are from time to time very sharply divided. But I could not for a moment fail to see that the motive of his interposition, so far as I was concerned, was a kind motive. Then, Sir, I am obliged to refer in the same way, and take this opportunity of making acknowledgment to the right hon. Gentleman opposite (Mr. A. J. Balfour), who has more than once testified his desire that, so far as he exercises influence in the House, that influence should be used to secure for me—as I have no doubt he would wish it to be secured for any other person occupying my position—a fair, and more than a fair hearing. Now I come to a tender ground, and that is in relation to the interruption that undoubtedly did occur. I think the memory of hon. Gentlemen will bear me out in saying that, as I have said, I know nothing of these persistent and continued interruptions. I may be wrong, but I believe that is, in the imagination of the writer, made use of for the public purpose he has in view. But, Sir, interruption did undoubtedly occur at a particular portion of my speech. I noticed that interruption, but permit me to say I did not notice it at all as an interruption. I did not notice it as intended to be offensive, but as expressive of a sentiment, and with regard to that sentiment, whether rightly or wrongly, I say again I condemned it, and cannot but repeat that the expression of that sentiment grieved me to the heart. But it was a totally different matter, and never crossed my mind that I myself had received the smallest form of insult. There are some things—there are many disadvantages of old age—but there are some things, at all events, it ought to learn, and I think no person who has had a small fraction of my experience in this House can fail to feel that large allowances are to be made in these controversies for sentiments and emotions that cannot

be suppressed. I am here recognising it as an absolute duty to give the very same credit to hon. Gentlemen opposite—although I believe them to be involved in the most deplorable, in the most grievous error that has ever taken possession of a political Party. But as respects motives, as respects character, as respects honour, as respects integrity—I am bound and obliged to give to them the same credit that I ask for my hon. Friends and myself. Not only so, but as I know that my hon. Friends, and as I know that I myself, feel strong emotions in these Debates—emotions which I frankly own I have great difficulty in repressing, but which I deem it my first duty if I can to govern and restrain—so I must make the same allowance for hon. Gentlemen opposite, and however much I may lament and grieve the sentiments which I sometimes think I may detect in the movements that mark our Debates from that as from every other portion of the House, yet it would be monstrous, I think, to attempt to make these matters of serious and, above all, of retrospective complaint. But on the occasion to which I refer, I had, personally, no ground whatever, in my opinion, for any complaint at all. The expression of my true and deep sorrow was because I thought the sentiment expressed by the interruption was a sentiment which was unjust, and I ought, perhaps, to say I thought the sentiment cruel to the people of Ireland, and to the Representatives of the people of Ireland. That is the true statement of the case, and the one conclusion I arrive at with clearness on this subject is that it would not besem the dignity of this House, and it would not answer any good or useful purpose, were we to enter further into this discussion. The Amendment moved by my hon. Friend opposite (Mr. T. P. O'Connor) is an Amendment to displace the Motion of my right hon. Friend the Member for West Birmingham; but I confess I should rejoice under the circumstances if, by the consent of all Parties, both the Amendment and the Motion were withdrawn.

MR. A. J. BALFOUR: The right hon. Gentleman, as was to be expected from what we know of his character, has done everything to allay any passions that might have been aroused by the somewhat unfortunate speech of the hon. Gentleman who moved the Amendment.

If I had followed that hon. Gentleman—

MR. T. P. O'CONNOR: I wish to say I distinctly except that right hon. Gentleman from any discourtesy to the Prime Minister.

MR. A. J. BALFOUR: Had I followed the hon. Gentleman I might have been tempted to comment somewhat severely upon the language he used. But I am unwilling now, as the House has perhaps wiped that speech from its memory, to go back upon it, and will say nothing more upon the subject but to note with satisfaction that every hon. Gentleman who has spoken—the right hon. Gentleman the Member for West Birmingham, the Chairman of Ways and Means, the hon. Member for Aberdeen (Mr. Hunter), and the right hon. Gentleman the Prime Minister—have all agreed, as against the hon. Member for the Scotland Division (Mr. T. P. O'Connor), that the account of what occurred, as given in *The Daily News*, and read by the Clerk at the Table, are judged merely by intrinsic evidence to be regarded as a burlesque. I do not know that it is necessary for me to say much more on the subject except this. There has been, undoubtedly, an attempt in some quarters, of which the extract read is a specimen, to endeavour to make out that in the undoubtedly embittered controversy in which we are engaged, there is an attempt among gentlemen who agree with me to personally embarrass the right hon. Gentleman who is in charge of the Home Rule Bill. Well, Sir, it is not possible but that an accusation of that kind should be regarded by us as deeply injurious. This House has, I believe, never allowed personal considerations to enter into its Debates. However vehement Party hostility may be, personal generosity has never been absent from among us; and I believe at the present moment there is not a single individual in this House, be his opinions what they may, or be the part he takes in our Debates what it may, who is not perfectly certain of fair and honourable treatment at the hands of those who most widely differ from him. If that be true of all hon. Members, how much more is it likely to be true of the right hon. Gentleman the Prime Minister, who, however much we may differ, and however much

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we do differ, has behind him 50 years of a great Parliamentary career, and whom we all recognise as one of the greatest Parliamentary figures who have illustrated and adorned this House since Parliamentary history began. I thought I was bound to make this brief statement, because the right hon. Gentleman, being from the very nature of the case in the very forefront of this great battle, naturally is, as everyone must admit by his position—I will not say interrupted—if it is so I regret it—but subject to exclamations which have arisen in the course of his speech indicating dissent from or assent to his views from various sections of this House. That is the fate of every man who takes part in Parliamentary controversy. I know I am speaking the sentiments of every man who sits behind me when I say that, so far as the right hon. Gentleman is concerned, we desire not only to give him fair play, but more than fair play, if I may use such an expression. Never should the weapon of unintelligent interruption be used. It is a weapon which should never be used against any man, and least of all against a gentleman in the position of Prime Minister.

MR. J. CHAMBERLAIN: I think if the Amendment is withdrawn, after the speech of the right hon. Gentleman, I should ask the House to allow me to withdraw my Motion.

Amendment, by leave, withdrawn.

Motion, by leave, withdrawn.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

{COMMITTEE. [*Progress, 2nd June.*]

[THIRTEENTH NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 3 (Exceptions from powers of Irish Legislature).

*ADMIRAL FIELD (Sussex, Eastbourne) moved to amend the clause by inserting at the end of line 1, page 2, the words—

"The ancient jurisdiction, powers, and duties which do belong or appertain to the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland as 'Custos Maris' or guardians of creeks, harbours, and coasts of the sea, and upon fresh waters, ports, navigable rivers, or creeks whatsoever, or any places covered with water within 'flux and reflux' of the sea at full tide, as also wrecks of the sea, divers droits, rights, duties, privileges, which have been by express words, or otherwise, heretofore granted to the Lord High Admiral."

He said that many of the Amendments that had been made from that side of the House had been characterised as hostile Amendments, and based only upon suspicion of hon. Members from Ireland. Let him, therefore, say at the outset that his Amendment was in no sense a hostile Amendment, but that it was conceived in the best interests of Ireland and in the best interests of the Service. He observed in the provisions of the Bill that no account had been taken of the point which his Amendment raised. This led him to refer to the remarks made by the Prime Minister in answer to himself that there was "a naval view to this Bill;" and he (Admiral Field) regretted that the Bill was not referred to the Board of Admiralty, that they might make some observations upon it, because the Amendment was sufficient proof of the fact that the view he had had to embody in it had been entirely ignored and lost sight of ["No, no!"] The First Lord of the Admiralty, who was in the Cabinet and who ought to be the first man to guard the interests of the Board of Admiralty, had failed entirely to realise his responsibility in this matter. But where was the Secretary to the Admiralty, and where was the Civil Lord? Where had they been to thus neglect their duty in this matter? Their duty was to watch over the rights of the Lord High Admiral, and if other gentlemen failed in the performance of their duty the Secretary or the Civil Lord ought to do theirs. The Counsel to the Admiralty ought to be dismissed from his post for failing to bring the attention of the Board of Admiralty and the Government to the great omission in this Bill. The reason of the omission by the Government could be partly accounted for by the fact that they had no naval officer on the Government side of the House to inspire them on this point. Therefore, as a modest, humble sailor, he (Admiral Field) would do his best to show the hon. Member

for Dundee (Mr. E. Robertson) and his colleague that they had failed in their duty by not having considered and dealt with this matter. A word or two he must say about these ancient powers of the Board of Admiralty. The powers of the Admiralty were very much more extensive than simply governing the Navy, and they went back for centuries. Powers were bestowed on the Admiralty by special Act of Parliament in 1690, and in 1692 a Resolution was passed by that House calling upon the Government of the day to advise the Crown to delegate these powers. Now, he should like to say a word or two about what the powers were. Sir James Graham, in his evidence before a Select Committee of the House upon the duties of the Board of Admiralty, spoke very forcibly and specifically on the subject. He was asked questions about the patent, and about many points in it being obsolete. He said the patent in direct terms gave very little to the Board, and simply delegated by reference powers of the Lord High Admiral. With regard to these powers he added—

"But large and powerful as they are, the patent did not contain anything like all the powers now exercised by the Board of Admiralty, or all the powers heretofore exercised by the Lord High Admiral."

Then Sir James Graham was asked whether he thought it would be wise to amend the Patent by Act of Parliament, and he replied—

"Certainly not, lest any of the powers should be lost by any change in the patent."

He (Admiral Field) would not weary the Committee with too many quotations, but he must give one more from Sir James Graham's evidence. Asked—

"Supposing it were advantageous to the Public Service that the Board should be relieved of its duties in the Harbour Department, that is to say, control over the harbour waters in this country, and whether these powers could not be transferred to another Department?"

He said—

"If asked whether it is possible for an Act of Parliament to do it, I should answer 'most certainly;' but if asked whether it is expedient by Act of Parliament to do it, I should say, 'Certainly not.'"

At a later stage of the Committee's proceedings he said—

"Before my evidence is closed, the Committee will permit me to state, with regard to the powers of the Commissioners of the Admiralty,

I find as amongst the most important and most ancient, that of the *Custos Maris*, powers with reference to harbours and creeks—and in my Parliamentary experience it has always been insisted upon that one of the first duties of the Board of the Admiralty was to be guardians of creeks and harbours, and with this view additional facilities have been added by the sanction of Parliament."

Now, the Committee must understand that these powers were not limited to the United Kingdom. The patents themselves were long, but he would read a short extract from the last patent granted at a time when the Duke of Somerset was First Lord of the Admiralty. This patent pointed out that the Lord High Admiral had powers in

"the United Kingdom, and the dominions, islands, and territories thereunto belonging."

And all colonies were included until they got self-government. He wished to show that his Amendment was a necessary Amendment, and it was in the best interests of the Irish people that he ventured to move it. Supposing that an Irish Parliament were to be created by Statute, they would have no machinery to deal with these important questions of jurisdiction over the foreshore between high and low water marks and kindred matters. They would have to create machinery for the purpose; and his point was that, as they were about to except naval and military matters from the control of the proposed Irish Parliament, they should exclude also the powers and duties of the Lord High Admiral and the Board of Admiralty of the United Kingdom. So far as he could understand, naval opinion was at the present time much exercised as to what rights we should have in Queens-town Harbour if the Bill passed without some such clause as he now proposed. If the Bill passed in its present form, they would have no power to make laws affecting the harbours and ports of Ireland. His contention was that the Board of Admiralty ought to have the same jurisdiction over the harbours in Ireland as they had over any in England or Scotland. Supposing a man was holder of a large piece of land, and a creek or arm of the sea ran up into his property. The Admiralty Commissioners would have jurisdiction over land covered with water within what was called in ancient phraseology "flux and reflux," and no holder of land would be able, without their sanction, to erect a pier or landing stage. These

powers should be left to the Board of Admiralty. Even in the interest of the Irish people themselves, they ought to maintain the jurisdiction of the Lord High Admiral, and allow him to exercise his duties in Ireland. Jurisdiction over creeks of the sea were very important, and he pressed this Amendment upon the Government, feeling that it was absolutely necessary that these powers should be excluded from the jurisdiction of the Irish Government. If they tried to exercise them, they would do themselves injury through lack of knowledge of the wide extent of the powers now exercised by the Board. With regard to Ireland itself, the Navy had nothing but the kindest possible feeling towards the Irish people. They had seen much of their harbours, and they were always very happy when they were there. He ventured to say, therefore, to the Irish Members that they would do wisely to speak in support of his Amendment proposed in their own interest. They would be perfectly ignorant of the way of dealing with these vexed questions. Some few years ago hon. Members from Ireland brought forward a Bill to remove a monument in which everybody in the Navy of England was deeply interested. [*A cry*: "Not the Irish Members."] That was his last point, and he regretted that he did not include this in the Amendment. He should have liked to have done so. He hoped this Home Rule Bill would never pass, but if it did it would give them a great deal of trouble, and they would have to spend a lot more of their time in the Irish harbours. But if the Irish Members got this Bill passed they should remember they ought not to exercise the power of pulling down the Nelson Monument in Sackville Street, Dublin.

Amendment proposed,

In page 2, line 1, after the last "or," to insert the words—"The ancient jurisdiction, powers, and duties which do belong or appertain to the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland as '*Custos Maris*' or guardians of creeks, harbours, and coasts of the sea, and upon fresh waters, ports, navigable rivers, or creeks whatsoever, or any places covered with water within 'flux and reflux' of the sea at full tide, as also wrecks of the sea, divers droits, rights, duties, privileges, which have been by express words, or otherwise, heretofore granted to the Lord High Admiral; or."—(*Admiral Field*.)

Question proposed, "That those words be there inserted."

SIR W. HARCOURT : There will not be the slightest interference with the rights of the Admiralty under this Bill. The historical disquisition the hon. and gallant Member has given us of the office of Lord High Admiral is very interesting no doubt; but there is nothing in the Bill which will tend to trench on the powers of that office. Clearly the right of the Admiralty belonged to the Crown, and will be dealt with accordingly, either under this clause or under Clause 5. The office of Lord High Admiral will, of course, continue to be exercised as now. It is a jurisdiction which is not a purely Irish local matter, and there is not the smallest intention to interfere with that authority; neither is there anything in the Bill which will do so. If the Irish Legislature were to attempt to interfere with that jurisdiction they would be acting *ultra vires*. I hope the hon. and gallant Member will not press the Amendment.

LORD G. HAMILTON (Middlesex, Ealing) : The right hon. Gentleman has not answered the particular point raised by the hon. and gallant Gentleman. The right hon. Gentleman is aware that in years gone by the Admiralty had certain jurisdiction over tidal waters and over the foreshore, which it exercised on behalf of the Crown. These powers were transferred to the Board of Trade, and the question which my hon. and gallant Friend desires to raise is as to whether the Irish Legislature will have power to deal with the jurisdiction which has been so transferred. It is desirable that there should be uniformity in these matters in all parts of the Kingdom. The point raised is an important one, and it is one upon which the Solicitor General may, perhaps, be able to express an opinion. This is the only section of the Bill which deals in any way with limitations imposed on the Irish Parliament in regard to civil and military matters; therefore, I think it is desirable to take measures to provide that the jurisdiction of the Admiralty shall be properly exercised.

SIR W. HARCOURT : There is really no legal question involved in this matter. It is a question of prerogative, and, whether exercised by the Admiralty

or not, it is a mere matter of administration. The jurisdiction is in the Crown, and will be dealt with by the Crown. The power transferred to the Board of Trade was one formerly exercised by the Department of Woods and Forests. Something like an insurrection taking place in consequence of the manner in which it was exercised led to its transference to the Board of Trade. But it is now purely a matter of administration.

ADMIRAL FIELD said, that the matter was not entirely one of the prerogative of the Crown, seeing that powers formerly exercised by the Crown had been delegated by Act of Parliament, as explained by Sir James Graham, who would not, therefore, alter the patent. He felt bound to divide the Committee on his Amendment.

Question put.

The Committee divided :—Ayes 260 ; Noes 297.—(Division List, No. 112.)

THE CHAIRMAN : The next Amendment standing on the Paper in the name of the hon. Member for East Somerset (Mr. H. Hobhouse) :—In Clause 3, page 2, line 2, after "treaties," insert "diplomatic, consular"—is out of Order.

*MR. H. HOBHOUSE said, he wished to move the omission of the Sub-section 4, in order to call attention to the language in which it was drawn. He did not think there could be a more important subject for that Committee to consider than the relations of the future Legislature of Ireland with foreign countries, and he might remind the Committee that though this clause purported only to deal with legislation, yet they had already been told that it included all Appropriation Acts that would be passed with a view to supplying money for Executive purposes. He would urge the Government, not from any hostile view, to make the future compact between the two nations a clear and decisive compact from the first, and let there be some specific mention in this sub-section that the future State of Ireland was debarred from sending any Representatives abroad to Foreign Courts, or from appointing any separate Consuls. He asked that this should be done for two reasons. In the first place, he thought, in spite of the view hitherto expressed by the Government, that nothing was more

likely in the future than that an Irish Government should wish to have Representatives both at the Court of Rome and in the United States. They knew that the relations of any future Irish Government with the head of the Catholic religion would be of a very important and delicate nature; and he could not conceive that that Roman Catholic State, as it would in fact be, would be content to have no accredited Representative to convey the views of the Government to the head of that religion to which the great majority of that Island belonged. That Government might well use the argument which had already been used by their Representatives on other occasions in that House, that they had been put in a position which made them responsible for the peace, order, and good government of Ireland; that part of the machinery for securing the order and good government of Ireland was that great hierarchy of the Roman Catholic priesthood, which they had seen used with great effect on certain recent occasions; and if they had no means of dealing with the recognised head of that great hierarchy, they were not in a fair position for securing the peace and good government of Ireland. Let them remember that this country had no Representative at the Papal Court—it was not likely to have, and therefore it would be impossible for a future Irish Government to carry on any communications of this kind through the Representatives of the Imperial Government, and they would naturally desire to have what every other Catholic State in Europe had—namely, a mouthpiece of their wishes with the head of the Catholic religion. Take, again, the case of the United States of America. Every week and month thousands of Irishmen crossed the Atlantic, and millions of Irishmen in the closest relations with certain Irish classes at home were living under the shadow of the United States Government. It was extremely likely that future questions might arise which would make it most desirable for the Irish Government to wish for a Representative of their own, at any rate a Consul, resident at New York. Secondly, let him remind the Committee that at this very moment in a country in Europe which was held up to them a few years ago as one of the most successful instances of Home Rule—

Mr. H. Hobhouse

Sweden and Norway—this very question of separate Consulates had assumed a most acute phase, and threatened to bring about something like separation between the two countries which had been hitherto united. Surely the future State of Ireland would have just as good a claim for separate Consulates in certain countries, where she had separate interests, as Norway had against the government of Sweden. Therefore, it was most desirable from the first to say in this Bill, clearly and specifically, that the appointment of any Representative of Her Majesty abroad should be denied to the new Government of Ireland. This would prevent any misunderstanding arising hereafter, and the Government should not rest content with the vague words—"treaties and other relations." At the present moment certain of their Colonies practically made treaties with European States on their own account; but these Colonies had never yet raised a claim to separate diplomatic or Consular representation. He contended, therefore, that the two things were different, and both ought to be specifically mentioned in this clause; and he suggested to the Government, in perfect good faith, not with a view to destroy the clause, but with a view to future good understanding and harmony, that they should insert some specific words such as he had suggested.

Amendment proposed to omit Subsection 4.—(*Mr. H. Hobhouse.*)

Question proposed, "That the words, 'treaties and other relations with Foreign States,' stand part of the Clause."

*THE CHANCELLOR OF THE DUCHY OF LANCASTER (*Mr. BRYCE, Aberdeen, S.*): This Amendment, Mr. Mellor, can surely hardly be intended seriously, because its effect would be to leave out the most important part of the clause.

*MR. H. HOBHOUSE said, he had moved the omission of the words formally, in order to discuss the point he had just raised.

MR. BRYCE: The Question you put, Mr. Mellor, was that these words which it is proposed to omit—"treaties and other relations with Foreign States"—should stand part of the clause.

MR. T. M. HEALY asked whether an hon. Member who moved an Amendment which he did not wish to see carried was not trifling with the Committee?

THE CHAIRMAN: The omission is to omit Sub-Section 4 which is in Order. The Question I have to put is that these words, "treaties and other relations with Foreign States," stand part of the clause, in order to prevent the next Amendment being shut out.

MR. H. HOBHOUSE: Is it not the constant practice in this House, when certain words have to be drawn attention to in debate, to move the omission of certain words formally, in order to draw attention to them?

MR. T. M. HEALY: In order to evade the Chairman's ruling, Sir, he stated he would move the omission of the sub-section.

*MR. BRYCE: I submit to you, Sir, that the Motion before the House is that these words be omitted; and as I do not suppose the hon. Member intends to divide against the words, I presume his object has been already attained by the remarks he has made, and that he will withdraw the Amendment.

MR. H. HOBHOUSE remarked that he expected an answer from the Government. He had drawn attention, he believed, in a perfectly reasonable way to the wording of this sub-section. Surely, the Government could not contend that these words were of no importance, and that it did not matter how they stood. He submitted that, at any rate, he was entitled to a brief answer.

MR. TOMLINSON (Preston) said, it did seem to him that the sub-section was worded obscurely, and he was desirous to see the provision put in an intelligible form. The phrase "the relations between different parts of Her Majesty's Dominions" was a most obscure form of words. Did it mean that the Irish Government was to be at liberty to deal directly with any one portion of Her Majesty's Dominions, but was not to interfere in a matter relating to two portions of those Dominions? What he understood to be intended was that this Legislature, which was only to deal with purely Irish concerns, should not enter into any relations whatever with any other part of Her Majesty's Dominions. If that was the intention, then it seemed

to him to be very obscurely and imperfectly carried out by the clause. If this obscurity were not removed, and the Bill became an Act, it would be a cause of difficulty hereafter in the relations between this country and Ireland.

MR. BRYCE: The Government have no wish to refuse to give any reasonable explanation on any question which may arise, and our only wish is that the clause should be as plain as possible. We considered that, in this sub-section, we had entirely debarred the Irish Legislature from dealing in any way with any question which might arise, as between the United Kingdom and any Foreign State whatever, or between Ireland and any Foreign State whatever. The Irish Legislature is altogether excluded from any such dealing, and we conceive that the addition of any other words would be more likely to weaken than to strengthen the clause. As regards the observations of the hon. Member for Preston, what is intended is, as there is to be no power of legislation as regards the relations between Ireland or the United Kingdom in regard to any Foreign State, neither should there be power to legislate with regard to the relations between any part of Her Majesty's Dominions with any other part. We have endeavoured to exclude all Colonial matters and all Colonial relations as completely as foreign relations, and I think the Committee will see that the words we have chosen are sufficiently effective for their purpose.

MR. JAMES LOWTHER (Kent, Thanet) observed, that this was not so much a question of the action of the Irish Legislature as of the possible action of the Irish Executive. Was there anything in the Bill to prevent the Irish Executive from having Envoys. When this question of Envoys was discussed, the Prime Minister intimated that no diplomatic Representative could be paid according to the financial scheme, and that, consequently, there need be no fear of Envoys going out for nothing. At any rate, Civil Service money was not debarred from that Bill, and any Mission could be provided for out of such money. As regarded Consular appointments, for the most part Consuls were practically unpaid, and what was there in the Bill to prevent the Irish Executive from accrediting Consular Representatives at any

ports they thought fit? An Act of that kind, he took it, would not be outside the scope of the Bill. In the case of Norway and Sweden very grave Constitutional differences had arisen in respect of this very action; and he believed at the present moment very considerable agitation was going on in those countries with regard to the claim put forward by one section of the United Monarchy to have separate Consular Representatives abroad. He should like the right hon. Gentleman to tell them plainly how that question was dealt with in the Bill.

MR. T. M. HEALY desired to know if it was in Order, on a clause relating to the making of laws, to discuss Executive action as to the appointment of Consuls?

THE CHAIRMAN thought it would not, on this clause, be in Order to discuss such a topic.

MR. JAMES LOWTHER said, what he wished specially to know was, what limitation there was upon the Legislature which would control the Executive?

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar) observed, that the only question raised by the clause was the power of making laws, and it was provided that the Irish Legislature should not have power to make laws with regard to relations with Foreign States. Consular appointments were subject to Treaties and Statutes, and it was only when a person was brought within the terms of those Treaties and Statutes that he could claim the status of a British Consul with reference to them. There was absolutely nothing in the sub-section to entitle the Irish Executive or Parliament to confer such powers or enable any of their agents to exercise functions as Diplomatic Agents or Consuls.

MR. HANBURY (Preston) said, the Solicitor General had stated that this sub-section prohibited all legislation with regard to relations with Foreign States. If that was what was meant, why did the sub-section not say so? It said "treaties and other relations with Foreign States." Why were Treaties specially brought in? The real reading of the clause was that it did not refer to all foreign relations, but only to relations *ejusdem generis* with Treaties. If it was really intended that this sub-section should apply to all relations, why had

the words "treaties and other" been inserted?

MR. R. G. WEBSTER (St. Pancras, E.) said, the latter part of the clause did not seem to him to be at all clear. They understood from the right hon. Gentleman that Ireland would not be allowed by this Bill to make Commercial Treaties with any part of Her Majesty's Dominions. Would it permit Ireland to have the power to make emigration arrangements with the Colonies?

MR. BYRNE (Essex, Walthamstow) was under the impression that the "other relations" referred to matters *ejusdem generis* with Treaties; and it was upon that impression he had founded another Amendment. He should be glad to hear it was not so. He contended that, as it stood, the language of the sub-section was very ambiguous.

SIR R. TEMPLE (Surrey, Kingston) asked the Solicitor General ought he not to insert the words "all treaties and all other relations"? His hon. Friend thought relations meant relations of the same kind as Treaties. If that were not so, and if "other relations" did include Consular and Diplomatic appointments, then they had better put in words to say so at once. With reference to what had been said by the right hon. Member for Thanet, if this sub-section applied only to the Legislative Assembly, and did not restrain the Executive for the very same purpose, then they should have to propose further Amendments, in order to restrain the new Executive in Ireland from doing that which the Legislature was by that Bill prevented from doing.

*SIR J. RIGBY considered that the objections to the clause were not founded on a very important basis, though, perhaps, the words might be improved. A very slight change might improve the wording, and in substance carry out the views of hon. Members. He would suggest these words—

"Treaties or any relations with Foreign States or the relations between different parts of Her Majesty's Dominions."

That would get rid of any difficulty. The object of the Government in drawing up the sub-section was to preclude the Irish Legislature from any kind of legislation as regarded any other country than Ireland.

MR. T. M. HEALY: Might I suggest to the Government that these drafting

Amendments might be left to be inserted in the House of Lords? The House of Lords have not a great deal to do; we have, and I respectfully say that if the Bill generally meets the view of the Government they should ignore these microscopic Amendments, for, as I have said, the House of Lords is the proper place for making these delicate changes.

MR. A. J. BALFOUR (Manchester, E.): I welcome this tribute to the House of Lords, coming specially from that quarter. But what I want to point out to the Committee is that the proper course, after the very conciliatory observations made from the Treasury Bench, would be for my hon. Friend to withdraw his Amendment, and then, perhaps, the Government would move the insertion of their own words.

MR. COURTNEY (Cornwall, Bodmin): I wish to call the attention of the Solicitor General to the fact that consequential Amendments will be necessary. Treaties are not the only relations entered into between States. Trade regulations, for instance, are not ranked as Treaties, but come under a different designation, and I therefore would suggest that the Amendment be "treaties, agreements, or other relations."

MR. T. M. HEALY said, the words suggested could only be inserted in the Bill out of abundance of caution; and, as they could neither give nor take away anything, he put it to the Government—was it worth while to treat such Amendments as serious, especially as they would not satisfy the Opposition, but would simply urge them on to further exertions?

MR. J. MORLEY: In reply to my right hon. Friend the Member for Bodmin, I have to say that we understand the word "treaties" is more general than "conventions," and covers commerce. If the hon. Gentleman will withdraw his Amendment we will move to substitute "or any" for "and other."

MR. H. HOBHOUSE said, the suggested concession by the Government met his view, and he would withdraw his Amendment. He was only sorry that was not offered long before, for it would have saved time. He wished also to say that the suggestion of the hon. and learned Member for North Louth, that nothing should be done to

conciliate the Opposition, was not the wisest course for the Government to adopt. He begged leave to withdraw the Amendment.

MR. T. M. HEALY objected to the Amendment being withdrawn.

Amendment negatived.

MR. A. J. BALFOUR: The Government, having been precluded by the step taken by the hon. and learned Member for North Louth to carry out their pledge at this stage of the Bill, of course their pledge stands; and, at the next stage of the Bill, they will move to insert the words mentioned by the Chief Secretary, which they meant to insert now, not having foreseen the peculiar action taken by the hon. and learned Member below the Gangway.

MR. J. MORLEY: Yes, Sir; the words will be introduced.

SIR H. JAMES (Bury, Lancashire) rose to move in Clause 3, line 4, after "offences," to insert "or procedure." The object of the Amendment is to secure that the Irish Legislature shall not prevent our Treaties being carried out. The Treaties I have in my mind are the Extradition Treaties. If we allowed the Irish Legislature to pass a law that criminals in Ireland shall not be extradited we should be prevented from carrying out our Treaties with Foreign States. If the clause were passed as it stands the Irish Legislature would have the power to prevent a Treaty being carried out. We should make clear that the Irish Legislature shall not have the power to interfere with the procedure connected with a Treaty, which is really the carrying out of a Treaty.

Amendment proposed, in page 2, line 4, after the word "offences," to insert the words "or procedure."—(Sir H. James.)

Question proposed, "That those words be there inserted."

*SIR J. RIGBY: I think I understand the motive of the right hon. and learned Gentleman; and although I am not quite in agreement with him on the matter of verbal construction, I think we may very fairly attempt to meet him. No doubt in the case of Extradition Acts it is desirable that not only the substantive form, but the procedure, so far as there is a special procedure, should be the same throughout the United Kingdom. If the

right hon. and learned Gentleman will accept the words "or special procedure" we will adopt the Amendment. What I mean is that it shall be some procedure which is not the ordinary procedure in ordinary action, but a special procedure by Acts carrying out these Treaties.

SIR H. JAMES : I do not quite know what "special procedure" means. What I have in my mind is the Extradition Act of 1870, and what I want is that there shall be no interference with that Act. The words "special procedure" might give rise to difficulties of construction, and perhaps it would meet my hon. and learned Friend's view if the Amendment ran "or procedure connected with the extradition of criminals under any Treaty."

MR. J. MORLEY : That is less than the Amendment on the Paper asks for, and as it meets our views we will accept it.

SIR H. JAMES : I do not think it is less than the Amendment on the Paper. It meets my view, however, and I am satisfied. I beg to withdraw my Amendment.

Amendment, by leave, withdrawn.

SIR H. JAMES : As I understand that no Amendment on the Paper will be struck out in consequence of my Amendment, I beg now to move to insert after "offences," the words "or procedure connected with the extradition of criminals under any Treaty."

Amendment proposed, in page 2, line 4, after the word "offences," to insert the words "or procedure connected with the extradition of criminals under any Treaty."
—(Sir H. James.)

Question proposed, "That those words be there inserted."

MR. T. M. HEALY said, [he thought the Nationalist Members had some reason to criticise the fact that they had not got notice of the words. Was it the idea that if a man committed a criminal offence in Ireland and went to France or America, or any other country, the Irish Government should not be able to get back that criminal from abroad and punish him according to the laws of their own land?

SIR H. JAMES : My Amendment does not touch that question at all ; but if

it did, I would say my intention is that if there is any question of a criminal being extradited, the application must come from the Foreign Office, and must not be made by any official in Dublin.

Amendment agreed to.

MR. TOMLINSON (Preston) rose to move to insert in Clause 3, line 4, at end "the status, condition, or rights of any person not domiciled in Ireland, or." He took it that the effect of the Bill, if carried out, would be to create in some matters the relations of foreigners between Englishmen and Irishmen. For some purposes Irishmen would be foreigners in this country, and Englishmen in other cases would be foreigners in Ireland. At present the business relations between England and Ireland were frequent and extensive. A number of people of Lancashire, for instance, had many trade relations between various parts of Ireland, and it often happened that these people went over to Ireland to look after their businesses. He thought they should limit in some way or other the power of the Irish Government to deal only with persons who were domiciled in Ireland. Of course, if any man changed his domicile, and went to reside in Ireland, he should take his chances of the law ; but so long as a man retained a British domicile, and was connected with Ireland only for temporary purposes, the Irish Government should have no power to pass laws affecting his status or position. That was from the point of view of the Englishman. There was also the case of foreigners who were domiciled in England, and who might have relations with Ireland. The Irish Legislature having no responsibility for foreigners and no foreign relations might be careless about the way foreigners in Ireland or England were affected by their laws ; and he, therefore, thought the foreigner domiciled in England should be secured against his rights being affected by anything that took place in Ireland. He submitted that the relations of the Irish Legislature with individuals should be limited to those domiciled in Ireland, and that it should have no power to pass laws affecting persons domiciled outside that country. He begged to move his Amendment.

Amendment proposed,

In page 2, line 4, at the end of the foregoing Amendment, to insert as a new sub-section the words—"The status, condition, or rights of any person, not domiciled in Ireland, or."—(*Mr. Tomlinson.*)

Question proposed, "That those words be there inserted."

MR. W. E. GLADSTONE: It appears to me that a portion of the Amendment of the hon. Gentleman is redundant, and a portion is based on a totally false conception of the Bill. The Irish Government will have no power to touch the status or condition of any person out of Ireland. That is clear. To prohibit them from doing what they have no power whatever to do is waste of time, waste of trouble, and waste of paper. Then, the introduction of assertions that the Irish Government do not possess powers which no one thinks they do possess would have a tendency to create kindred powers just beyond the line of prohibition. Does the hon. Gentleman mean to contend that Irish securities held by a foreigner are to be exempt from the effect of any legislation which may affect other holders of the same securities? I may misunderstand the object of the hon. Gentleman; but it appears to me that that is the effect, at least, of his Amendment. We cannot accept the Amendment, for we believe that property must be subject to the authority of the local Legislature.

***MR. MATTHEWS** (Birmingham, E.): The whole argument of the right hon. Gentleman proceeds upon the assumption that Ireland and England are henceforth to be foreign countries. Let me give a possible example from which even the Government must recoil. There will be nothing to prevent the new Irish Legislature from enacting a law that no man domiciled in England shall be capable of owning land in Ireland. That is not at all an unlikely measure to be enacted by the Irish Legislature. The right hon. Gentleman stated that the status and condition of an individual depends upon the law of domicile, and, consequently, that the Irish Legislature will be tied down to Irish matters alone, and cannot pass laws affecting persons outside of Ireland. That is true if you are going to treat England and Ireland as separate countries for the purposes of status—that is, that the English domicile

is a foreign domicile so far as Ireland is concerned. That is rather of far-reaching consequences, and I should like to know how far you contemplate going in that direction. Is it intended that the Irish Legislature shall be capable of striking at the rights of persons not dwelling within the four corners of Ireland, and of enacting that such persons shall be incapable of holding property in Ireland? I believe there is more than one considerable landholder in Ireland who was never domiciled in Ireland, and who only occasionally resides in Ireland. Clearly they could be affected. In the same way there are a vast number of interests connected with personal property, trade, and commerce in relation to persons not domiciled in Ireland which may be put on a lower level than the identical interests of persons who were domiciled in Ireland.

MR. W. E. GLADSTONE: There will be such a thing as domicile in England and domicile in Ireland irrespective of whether they are foreign countries or not. What is domicile in Scotland? Let the right hon. Gentleman purchase an estate in Scotland, and if he also possesses estates in England when he dies there will be the very awkward question to determine whether he is domiciled in England or Scotland. The right hon. Gentleman asks that people whose domicile is not in Ireland shall be protected against the abuses of the Irish Legislature; and he says the Irish Legislature may proceed to render everyone incapable of holding land in Ireland who is not domiciled in Ireland. That is one of the wild and extravagant suppositions which cropped up like mushrooms even in the brains of right hon. and learned Gentlemen opposite. The Irish Legislature may possibly make that absurd, preposterous, and suicidal law, or they may make an equally preposterous and absurd law prohibiting the holding of land by those who are domiciled in Ireland. Indeed, this great, wise, and almost infallible Legislature, of which we are Members, did proceed in that way not very long ago, when it forbade the Jews to hold land in England. But, really, are hon. Gentlemen opposite determined to have a list of all the crimes, errors, and follies that ever were perpetrated by mankind or by Public Bodies, from the time of Adam to the present day, and to

say in the Bill, "The Irish Legislature shall not commit these crimes"? That is the tendency of the bulk of the Amendments. I say that if an attempt were made to produce an enormous folio-volume filled with all these follies and crimes, the first consequence would be a second edition on account of the omissions from the first. It would be impossible that property held in Ireland by persons not domiciled in Ireland should be withdrawn from the cognisance of the Irish Legislature.

MR. MATTHEWS : The argument that the right hon. Gentleman has used is one that we have heard over and over again. The right hon. Gentleman is never tired of telling us that when we seek to impose restrictions upon the action of the Irish Legislature we are imputing wickedness to the Irish people, but he himself in his Bill has imposed half a dozen restrictions to our one. Why has he done so if he thinks that such a course is unnecessary?

MR. W. E. GLADSTONE : I have done so in order to please you.

MR. MATTHEWS : That is hardly a way of meeting the argument. The proposition of the right hon. Gentleman is that to impose restrictions upon the action of the Irish Legislature is to insult and outrage that Legislature; and yet he himself has embodied such restrictions in his Bill. The question is, whether the restrictions proposed by this Amendment are required or not? It is true, as the right hon. Gentleman has pointed out, that there are different domiciles in England and Scotland, but is not the existence of those different domiciles one of the drawbacks in the relations between England and Scotland at the present moment? There is a difference between the laws of the two countries which England has always recognised, and now the right hon. Gentleman is going to set up a fresh distinction between England and Ireland. Does the right hon. Gentleman, or does he not, intend that it should be in the power of the Irish Legislature to say that persons domiciled in England and Scotland shall not have the right to hold land in Ireland? There have been three or four cases of absentee laws being proposed in the last Irish Parliament, and, if I am not mistaken, carried in the Irish House of Commons. [**MR. T. M. HEALY :** No.] Then, at all

events, measures for the exceptional taxation of persons not domiciled were certainly carried. If there is one fact that ought to be taken into consideration in connection with this Amendment it is the angry feeling which exists in Ireland against the English owners of Irish land. Does the right hon. Gentleman intend that the Irish Legislature should have the power of legislating in an exceptional manner against a man merely because he has the misfortune to be domiciled in England or Scotland?

***SIR J. RIGBY :** It is perfectly easy, when a general proposition is laid down, to take an extreme instance in order to prove that it is absurd. The right hon. Gentleman seems to think that there is no Irish domicile now as distinct from the English domicile. We are not proposing to alter the law of domicile in the least degree. We are leaving the matter exactly where we found it, and the idea that there is some spectre of a new domicile being set up is, I venture to think, very unreasonable.

MR. T. W. RUSSELL (Tyronne, S.) said, the Prime Minister seemed to think that it was a reflection upon the Irish Legislature that it could be capable of passing Acts of the kind. Was the right hon. Gentleman aware that several States of the American Union had passed Acts prohibiting aliens from holding real estate in those States? If it was no reflection upon the American States to suppose them guilty of a thing like that, why was it a reflection upon the Irish Legislature to say that they might take a similar course?

MR. R. G. WEBSTER said, the question was whether, in case of a wrong being done in Ireland to a foreigner or an alien, he would be described as a domiciled individual? If the foreign State should ask for reparation from the Government of Great Britain a very important question would be raised.

***MR. COURTNEY** said, this matter required consideration. A substantial question had to be considered. There was no doubt that an Irish domicile was now distinct from an English domicile. The question was, whether it would be competent for the Irish Legislature to discriminate in its legislation between the rights of persons domiciled in England and Scotland as distinguished from those of persons domiciled in Ireland?

Reference had been made to the action of several American States, but it was said their legislation was directed against aliens. A case which was a good illustration of the necessity for the Amendment was that of New Zealand, the Legislature of which had established a system of taxation which discriminated between persons domiciled in that country and British subjects living at home, who, though not domiciled in New Zealand, were not aliens. Another question deserved consideration. Were domiciled Englishmen and Scotchmen to be debarred from holding offices in Ireland? No Member of the Government would, he was sure, approve of preferential legislation, though they might say that it was unnecessary to guard against it, inasmuch as it was so unlikely to arise. But the illustration which he had given of New Zealand showed that it was not improbable. Nor could anyone say it was improbable that Englishmen and Scotchmen would be held ineligible for employment in State, county, or municipal offices. He thought his right hon. Friend at the head of the Government would see that the suggestion of preferential legislation in Ireland was not so unreasonable and fanciful and extravagant as he had tried to make out. It was a matter which deserved examination and consideration, and the subject should be approached in a somewhat different way to that in which the right hon. Gentleman had dealt with it.

LORD R. CHURCHILL (Paddington, S.): I think that the Prime Minister and the Solicitor General have assumed a little too much as to the state of things which may prevail in Ireland after the Irish Parliament has come into operation. I do not want to make an evil prophecy as to what that Parliament will do, but I think it quite possible that, at any rate, sometimes they will act in a prudent manner, and that their legislation may at first be even unexceptionable. But, after awhile, the source of taxation may be considerably altered, and I will not say that the Irish Parliament would be acting beyond the bounds of ordinary and reasonable legislation if, in order to meet the necessary taxation, they should declare that persons holding land in Ireland should be forced to choose their domicile in Ireland, or, in the alternative, to have a heavy tax laid upon them. The Irish Parliament may even say that English

domicile should be a disqualification for the tenure of landed property in Ireland. Although I would not say that any British Government would approve of legislation of that kind, I will not say that the Irish Parliament would be debarred from passing it. Irishmen are animated by a certain amount of jealousy in the matter of the ownership of land in Ireland by Englishmen, and I do not think that feeling should be encouraged. But unless you desire the New Zealand precedent mentioned by my right hon. Friend opposite to apply to Ireland, you should take some steps to meet the views and argument of your opponents upon the point, with a view to putting a check upon the Irish Legislature.

MR. W. E. GLADSTONE: It is not the taxing of absentee landlords which I treated as one of those outrageous suggestions that are constantly cropping up, and which I might be compelled to characterise in terms milder than they really deserve. When, however, the crop ceases, the censure will cease likewise. The noble Lord says that the object of the Amendment is to prevent the Irish Government from taxing absentee proprietors. [MR. A. J. BALFOUR: That is an illustration.] I doubt whether the Amendment will touch employments, but I am not quite sure that the English Government, at the end of the last century, were disposed to assent that the Irish Parliament should not tax absentees. The Irish Government may say that they recognise residence as the distinct social and moral duty of the landed proprietor, and that they will impose a penalty upon those who own thousands of acres in Ireland, but who never set foot in that country. The Amendment, however, goes enormously beyond restraining the Irish Parliament from doing that, and it goes so far that whenever any person not domiciled in Ireland should own property in Ireland, the fact of his domicile should make the property which he owns exempt from Irish law, and should thus cause it to be held upon a different tenure to that prevailing in the case of property owned by persons domiciled in Ireland.

MR. A. J. BALFOUR: I am sorry that the right hon. Gentleman has set to work to destroy the precise form in which the Amendment has been proposed, rather than to propose any alteration which

would meet the object in view. He has, in fact, satisfied himself with the position of a critic; and has confined himself to the question of taxing absentees. But with regard to that particular illustration, the right hon. Gentleman has not succeeded in convincing me that the power ought to be left in the hands of the Irish Legislature. I will not pronounce an opinion as to whether the Irish landlord resident in England should be treated exceptionally; but if we are going to treat him exceptionally it should be the task not of the Irish, but of the Imperial Parliament to deal with that matter. When I reflect on the inducements which hon. Gentlemen who are to be entrusted with the future government of Ireland under Home Rule hold out to English landlords to reside on their Irish property, I do not think they ought to permit this class, who are first driven away from their property by outrage, to be then taxed for non-residence. But though this question of the taxation of Irish absentees is a most important illustration, it is, after all, only an illustration, and my noble Friend alluded to the possibility of a person being excluded from office in Ireland because he was domiciled in England. Is that so extravagant a proposition? It has been my lot to have something to do with Irish patronage for many years. There are other right hon. and hon. Gentlemen in this House who have also had something to do with it, and I appeal to them confidently whether the one thing upon which every Irishman is agreed—and there are not many things upon which every Irishman is agreed—is that any place of emolument in Ireland should be given to an Irishman, and never under any circumstances to an Englishman or Scotchman? That, Sir, which is the habitual practice in Ireland, might, without any great or violent hypothesis, be made a legislative necessity; and you might have the Irish Legislative Assembly saying these good posts in the Irish Post Office, or in the County Councils—to which an hon. Member has referred—and every other place of profit and trust, shall be given to an Irishman, and shall be given to an Irishman alone. The Government will admit they have not answered either of these two cases. I will make an admission on my own side. I admit my hon.

Mr. A. J. Balfour

Friend has drawn the terms of his Amendment too wide, and I would venture to suggest words which I think will meet the views of hon. Gentlemen sitting in every part of the House, though perhaps I am too sanguine. If my hon. Friend would word his Amendment this way—and instead of saying

“the status, condition, or rights of any person not domiciled in Ireland,”

would use the words

“or exceptionally affecting the rights of any British subjects not domiciled in Ireland,”

that would prevent the Irish Legislature from doing what they may be induced to do, and what none of us would desire—namely, draw a distinction between the privileges of various subjects of the Queen with regard either to the holding of property or place in Ireland. I can assure the right hon. Gentleman I am not suggesting to my hon. Friend to move this Amendment in a new form with any desire to cast a slur on the new Irish Legislature; but if he consults the opinion of hon. Gentlemen behind him, they must know from these discussions that the danger is a real danger, and must be convinced that we ought to insist on equality of treatment between all the subjects of the Queen, in whatever part of the country they may be domiciled, at the hands of this new Legislature.

MR. TOMLINSON was quite ready to admit his Amendment might cover wider ground than he intended. He had not intended to prohibit any dealing generally with property in Ireland; but what he had in his mind was, that a person not resident in Ireland might be affected by the legislation of this Irish Parliament. He was anxious that the business and other relations between persons resident in England and Ireland should, as far as possible, be continued on their present footing, and, in fact, intercourse between the two countries encouraged. He desired to guard against any Act of an alien Parliament injuriously affecting any person not domiciled in Ireland. If the Committee would agree he should be willing to withdraw his Amendment and substitute for it the words suggested by the Leader of the Opposition.

MR. ROBY (Lancashire, S.E., Eccles) rose—

Mr. John Morley rose in his place, and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The Committee divided :—Ayes 252 ; Noes 217.—(Division List, No. 113.)

Question put accordingly, "That those words be there inserted."

The Committee divided :—Ayes 214 ; Noes 25.—(Division List, No. 114.)

THE CHAIRMAN : The next Amendment standing on the Paper is in the name of the hon. Member for the Walthamstow Division of Essex (Mr. Byrne), and proposes in Clause 3, page 2, line 4, at end to insert "extradition, political offenders, or offences ; or." This Amendment is out of Order. The next Amendment in Order stands in the name of the hon. Member for Chester (Mr. Yerburch).

Notice taken, that 40 Members were not present ; House counted, and 40 Members being found present,

***MR. YERBURGH** (Chester) said, he rose to move the insertion, in line 4, of the words "offences committed on the high seas ; or." This Amendment was designed for the purpose of withdrawing from the power of the Irish Legislature offences committed on the high seas. He had compared the present Bill with that of 1886, and he found that these words were contained in the latter measure. The powers of the Irish Legislature would extend to the administration of Criminal and Civil jurisdiction over vessels belonging to Ireland. From this fact questions of great gravity would undoubtedly arise, which might cause serious inconvenience between Great Britain and Ireland. British sailors, if taken on board Irish vessels, say, at the Port of Bristol, would be under the jurisdiction of the Irish Courts, and amenable to Irish Law. In the case of an Irish vessel plying between Ireland and America, a British detective might be on board for the purpose of following some criminal conspirator. He might be discovered and shot ; and, under the Bill as it now stood, the Irish Courts would claim jurisdiction, and would have a right to it. Then, again, take the case of a Revenue cutter boarding a smuggler on

the coast of Ireland. There might be a conflict, and some of the smugglers might be killed in resisting the cutter. Under whose jurisdiction would the smuggler come ? As he understood the Bill, it would come under the jurisdiction of the Irish Courts, and the same would be the case if some of the cutter's men were killed. Complaint would lie against the crew of the smuggler ; the Irish Courts would claim to try the case. He would not deal with the various difficulties that would arise in the case of foreigners, either taking passage in Irish vessels, or accepting service in them. Under the Bill such foreigners would become amenable to the Irish Courts, and it was quite conceivable that serious complications might arise with Foreign States which ought to be dealt with by the Imperial Courts. On all these points he submitted that there was a very strong case for the words he proposed to insert in the clause.

Amendment proposed, in page 2, line 4, after the second word "or," to insert the words "offences committed on the high seas ; or."—(Mr. Yerburch.)

Question proposed, "That those words be there inserted."

MR. J. MORLEY : This Amendment is surely one of as superfluous a character as could possibly be proposed. Here is a Bill which aims at giving to an Irish Legislature that power of making laws for

"the peace, order, and good government of Ireland in respect of matters exclusively relating to Ireland or any part thereof."

Now, offenders on the high seas cannot possibly come within that description. All offences on the high seas will clearly, from the form of the Bill, be offences cognisable, and cognisable only, by the Imperial Parliament. That statement in itself is sufficient to remind the hon. Member that the Amendment—that in view of the scope of the Bill—is unnecessary.

MR. CARSON (Dublin University) : I must say I do not entirely understand the right hon. Gentleman as to the effect of Irish legislation by the Irish Parliament. If the words "peace, order, and good government" had reference to matters happening only in Ireland, I could understand the contention of the

right hon. Gentleman. But in the sub-sections of the 3rd section the Government have seen the necessity of putting in a proviso excepting Treaties and other relations with Foreign States, and matters of that kind. If the contention of the right hon. Gentleman were correct that the words

"peace, order, and good government of Ireland in respect of matters exclusively relating to Ireland or any part thereof"

exclude all matters outside Ireland, it would have been unnecessary to put in such a proviso. I can assure the right hon. Gentleman that if I were to proceed in the Court of Judicature in Ireland to argue that these words did not give the Irish Courts the right to legislate in respect of matters that may be tried in Ireland—as these matters might be tried—I should at once be met with the argument "If that is so, what was the use of putting in the Bill this exception as to Foreign States and the Amendment 'accepted this evening' as to procedure in relation to extradition?" That procedure has no more connection with

"the peace, order, and good government of Ireland in respect of matters exclusively relating to Ireland or any part thereof"

than the matters in respect of which this Amendment has been proposed. What are the matters aimed at by the Amendment? Take the laws relating to pirates and piracy and all crimes and misdemeanours committed on the high seas. How are they to be tried at present? They are triable in the local venues of Ireland. The right hon. Gentleman is aware that under the Statutes that regulate these matters the place of trial is either the place from which the party against whom the offence is committed—or, perhaps, the party who has committed the offence—hails, or the part into which the ship first comes. I recollect most distinctly the case of two men tried in the County of Cork in relation to offences—I think it was murder—committed on the high seas. Does the right hon. Gentleman contend that, according to the law as it would stand under this Bill, the Irish Legislature would have no power to maintain or alter such a state of things as that? Would it have no power to alter the law in relation to men who would be criminals under its own jurisdiction? There is little difference in

principle between the supporters of the Amendment and the right hon. Gentleman opposite; therefore, it should be easy to set this matter right. If the Irish Legislature is not to have anything to say to these matters that would be triable by their Judges, and as to the decrees to be carried out by their Executive, the fact should be distinctly set forth in the Bill. I think it is an irresistible argument that if the Irish Legislature, through their Executive, have the power of process over those parties who commit offences on the high seas, the right hon. Gentleman must see there is a strong argument for saying there must be power to legislate as regards that process. Is it intended that these matters in relation to offences committed on the high seas are to be tried by what we may call the Irish Executive Courts or by the Imperial Court—the Court of Exchequer? To my mind, the position taken up by the right hon. Gentleman is entirely inconsistent. If these cases are so foreign to the functions of the Irish Legislature as established by this Bill, that they become Imperial matters, surely they ought to be tried in the Imperial Court. But where is the proviso for that purpose? The only way, that I can see, is by an exception such as that proposed in the Amendment. If you turn to the 19th section of the Bill you will find that, excepting a matter from the Irish Legislature, it at once drives it into the Imperial Court, and if you tried it for one purpose as an Imperial subject, surely you must treat it as such for other purposes. If you leave the procedure and the power of altering the procedure with the Irish Legislature, what is the use of having the offence at all? If you desired to alter the law in relation to the offence, surely the best way to alter it would be by altering the procedure. The right hon. Gentleman declares that this Amendment will not make any difference in the effect of the Bill. That being so, and as this Amendment seems the most effectual way of effecting the object in view, why does not the right hon. Gentleman accept it? It seems to me that you destroy the effect of keeping this an Imperial matter by giving the Irish Legislature full power over the process. As the right hon. Gentleman says that the object of the Amendment is already

covered by the Bill, I would, nevertheless, urge him to accept the proposal to bring the trial of these offences into the Imperial Court under the 19th section. No doubt, the right hon. Gentleman has had higher advice than I can give him; but, as a lawyer, I must say I think that to say that the Bill gives the Irish Legislature power in regard to "peace, order, and good government" does not solve the question at all. Where an offence is committed on the high seas it is not a matter belonging to the peace, order, and good government of the country, and I think that measures ought to be taken to provide that these offences shall be triable in the future as they have been in the past. Looking at the enormous maritime and commercial interests of this country, it seems to me a matter of the first importance to take measures to prevent any infringement of our rights on the high seas.

MR. RENTOUL (Down, E.) said, the Government maintained that this Amendment was not necessary; but he should have thought that an Irish ship on the high seas would have been regarded as Irish territory, and that the words "making laws for the peace, order, and good government of Ireland" would distinctly relate to such a ship. The framers of the Bill of 1886 had thought this provision necessary, for they had inserted it in that measure; and, so far as he was concerned, he had been unable to see any difference between the Bill and the measure of 1886 that would affect this subject or render a clause that was necessary in 1886 unnecessary now. Take the case of O'Donnell, who murdered James Carey, the Dublin informer, and was tried, convicted, and executed. Suppose he had been on an Irish ship and this Home Rule Bill had been law, it would have been in the power of the Irish Courts to deal with the case, and to declare that O'Donnell had not been guilty of any offence whatever—as an Irish jury would have been very likely to do. It was vastly important, he thought, that these matters with regard to shipping and the high seas should be made very clear. The Solicitor General, no doubt, recollected the case of the *Franconia*, a vessel which ran into a British ship two-and-a-half miles from the Dover coast. A prosecution was commenced at the Old

Bailey, and the German captain was convicted; but in the Court for the Consideration of Crown Cases Reserved seven Judges held that the Central Criminal Court had no jurisdiction, whilst six Judges took the opposite view. It was evident that cases of this sort raised questions of the very greatest possible doubt; and it would, therefore, be to the interests of all parties that the point should be made exceedingly clear in the Bill. The Amendment appeared perfectly reasonable, and, inasmuch as it practically appeared in the Bill of 1886, he could not make out why the Government should oppose it.

COMMANDER BETHELL (York, E.R., Holderness) thought it only proper that the Irish Legislature should not have any power of varying the jurisdiction of the Courts in a matter of this kind. When the Colonial Courts were given jurisdiction over offences committed on the high seas it was specially laid down that the law they were to administer was to be the English law. That being so, there was every reason for insisting that the Irish Courts should be bound by the same law, and that the Irish Legislature should have no power to vary it. The Chief Secretary for Ireland had scarcely treated the Amendment with the respect which was due to its importance; but no doubt since he had had the opportunity of consulting the Solicitor General he had seen that the proposal was of a much more important character than he appeared at first to suppose.

MR. J. MORLEY: I see no reason whatever why I should alter the opinion I formerly expressed. The whole argument of the hon. and learned Member opposite turns on procedure; but this is not an Amendment on procedure, but one affecting legislation. It seemed to me that some of the hon. and learned Gentleman's arguments were arguments that would have been adduced if his own Amendment had been under discussion. One of the hon. Gentlemen opposite spoke about an Irish ship. What is an Irish ship?

MR. RENTOUL: A ship owned by Irishmen. I was thinking of a ship flying a green flag, manned by Irishmen, and sailing from an Irish port.

MR. J. MORLEY: Well, that is one of the most unscientific descriptions I ever heard. I can only recognise ships

governed by our Merchant Shipping Act.

MR. RENTOUL said, he understood the Amendment to be aimed at possible legislation with regard to the establishment of registered Irish ships.

MR. J. MORLEY: But we cannot deal with all these possible contingencies and hypothetical cases. We are dealing with things as they are, and with things as the law of the land now establishes them. The Bill excepts from the legislative powers of the Irish Legislature all laws dealing with trade and navigation. On what possible construction can it be supposed that the Irish Legislature would be able to deal with questions concerning matters arising on the high seas? Such matters are outside the ambit of Ireland, and outside the competency of the Irish Legislature. I have heard no arguments to shake the opinion I have already expressed.

SIR H. JAMES thought it was unnecessary to spend much more time in discussing the Amendment, although it was a very important one. He agreed with his right hon. Friend that, as the law at present existed, there was no such ship as an Irish ship. As long as there was only one flag the law did not recognise more than one kind of British ship. His right hon. Friend said that it was unnecessary to put in a prohibition of legislation in respect of a matter clearly outside the power of the Irish Legislature. This, however, was a very dangerous doctrine. The Irish Legislature would think that the sub-sections of this clause contained all the prohibitions of action on their part. Take the case of piracy. It could be dealt with in Ireland as much as in England. Irishmen had, in one sense, as much interest in the subject as Englishmen had. If a ship, sailing from Queenstown, and having an Irish crew, were boarded by pirates and members of the crew were killed, and the pirate was afterwards taken as a prisoner into Queenstown, the Irish Legislature might say they wished to deal with the offence he had committed. What was to prevent them doing that, unless an express prohibition were put into the Act? Of course, the crime of piracy came within the external and not the internal area; and the Irish Legislature ought, therefore, to be prevented from dealing with it. His right

Mr. J. Morley

hon. Friend the Chief Secretary said the Irish Legislature could not deal with it, and yet he would not say in the Bill that they should not deal with it.

MR. J. MORLEY: Piracy is clearly a matter outside the Irish jurisdiction. A pirate is spoken of in the law books as an enemy of the human race; and, that being so, he cannot be regarded as specially an enemy of the Irish race. My right hon. Friend says—and this is one of the most alarming *dicta* I have yet heard in these discussions—whatever you leave unexcepted from the Irish powers will be assumed to be within those powers. It is clearly not within the competence of a local Legislature to make laws respecting matters which affect all portions of the United Kingdom and the Empire. When you come to procedure I admit that you may have other considerations to deal with; but, as far as legislation is concerned, there cannot be a shadow of doubt as to what the whole policy of this Bill lays down, and I really cannot see why we should accept the Amendment.

THE MARQUESS OF CARMARTHEN (Lambeth, Brixton) said, he wished to bring before the Committee a matter which would be within the scope of the Irish Parliament. There used to be, and he believed still was, in existence a kind of law, based he supposed on superstition, amongst the fishermen of the West Coast of Ireland which induced them not to allow any fishing boat to approach the Coast before a certain date. As the right hon. Gentleman the Chief Secretary was, no doubt, aware, that unwritten law had resulted in many and great outrages being committed on those who had ventured to approach the Coast. Outrages might be committed in the future as they had been in the past. [Mr. T. M. HEALY: When?] He could not give the hon. and learned Member the date off-hand; but he should be happy to supply him with dates within two days' time. Well, he asked what chance the crews of non-Irish boats would have if outrages were again committed, and the matter were referred to an Irish Parliament? He submitted that the fisheries all round the Coast of the United Kingdom should be open to all the people of the United Kingdom.

MR. BARTLEY (Islington, N.) said, he was surprised to hear that the Go-

vernment would not accept the Amendment, which was based upon the Bill of 1886. It was clear that if the Prime Minister thought the matter of sufficient importance in 1886 to make it the subject of a special sub-section, he was of opinion at the time that it ought to be referred to in the Bill. Under these circumstances, it was surely not sufficient for the Chief Secretary for Ireland, in a sort of off-hand way, to say that the Amendment was unnecessary.

MR. J. MORLEY : The hon. Member is, of course, quite right in referring to the Bill of 1886; but there are certain words which are not found in the Bill of 1886, and are found in this Bill. Those words occur in the 2nd clause, and are "matters exclusively relating to Ireland or some part thereof."

SIR H. JAMES : Does my right hon. Friend say that piracy does not in any way relate to Ireland?

MR. J. MORLEY : I never said that piracy did not relate to Ireland. What I say is that piracy does not relate exclusively to Ireland.

SIR H. JAMES : Nor does treason relate exclusively to Ireland.

***MR. YERBURGH (Chester)** said, it was possible that in the future an Irish Mercantile Marine would be brought into being. If so, as he understood the law, the ships of that Marine would be treated as part of the territory of Ireland, and it would be perfectly open for an Irish advocate to say that they would come under the provision respecting "Ireland or any part thereof." Mr. Hall, in his book on *International Law*, showed what the state of the law was on this point. It would be perfectly open for an advocate for the Irish Parliament to argue that under the International Law the territory of a State extended to its ships, and, therefore, that the Irish Parliament was at perfect liberty to pass any laws with reference to offences on the high seas.

MR. SEXTON (Kerry, N.) pointed out that a Mercantile Marine sailing under a flag which was not the flag of the British Mercantile Marine could only be created by an Imperial Act. It must be borne in mind that the authority to whom the hon. Gentleman had referred in speaking of the jurisdiction of a State over offences committed at sea referred to a State that had a flag of its own. Every ship

sailing under a British flag was, according to law, British territory, and every act done on board such ship was undoubtedly matter of Imperial jurisdiction.

MR. J. MORLEY : My right hon. and learned Friend (Sir H. James) asks why have you put treason among your excepted subjects? But he forgets that treason may take place upon Irish soil. Piracy does not take place upon Irish soil.

Question put.

The Committee divided:—Ayes 162; Noes 225.—(Division List, No. 115.)

THE CHAIRMAN : The next Amendment standing on the Paper in the name of the hon. Member for North Islington (Mr. Bartley)—

In Clause 3, page 2, line 4, at end, add "offences against the law of nations; or offences committed in violation of any treaty made or hereafter to be made between Her Majesty and any Foreign State; or offences committed on the high seas; or"

—is not in Order

MR. BARTLEY then moved the following Amendment:—In Clause 3, page 2, line 5, after "honour," insert "except such as relate exclusively to and are distinctively styled Irish dignities or titles." He said it seemed to him this was the first Amendment which proposed to extend the powers of the Irish Legislature; and he must say it was putting on unnecessary restrictions where they did not in any way affect the progress, the position, and the stability of this country. If the Irish Parliament thought proper to recommend honours of an Irish nature, he saw no possible reason why they should not be allowed to do so. He should object to their being allowed to suggest any Imperial dignities; but he saw no objection to permitting them to recommend Irish honours and dignities if they wished. The power and influence of these dignities were very great. They had seen examples in recent movements of the important part which dignities had played in Parliamentary work. They had known hon. Members who had changed their opinion considerably being rewarded for so doing by having distinctions and titles given to them; and he did not see why, if the Irish Parliament desired to make use of the same material, they should not be

allowed. The Irish people were as fond of honours and dignities as most of them. Why he should like to see the Amendment put in was because he felt certain, if the Irish Legislature were ever created, this question of dignities and titles would lead to an agitation in that House by the Irish Members; and, therefore, it would be better to give them the power right off, and let them deal with it in their own way. If they were going to entrust the Irish Parliament with the right of taxation and a great number of other rights and privileges, there was no reason why they should not be allowed to recommend to the Sovereign or the Lord Lieutenant persons for these dignities and titles. He did not want to take up the time of the Committee, and, therefore, he should not go to a Division, but should be satisfied with the Amendment being merely negatived.

Amendment proposed, in page 2, line 5, after the word "honour," to insert the words "except such as relate exclusively to and are distinctively styled Irish dignities or titles."—(*Mr. Bartley.*)

Question proposed, "That those words be there inserted."

***MR. GIBSON BOWLES** supported the Amendment. He felt no desire to render the Bill detestable, though he felt a desire to prevent its passing. He regarded it as a bad Bill; but if it was to pass he should like to make it workable. Therefore, although he would restrict the sphere of action of the Irish Legislature, still he would enlarge its powers within that sphere; and, consequently, he thought there was something to be said in many ways for allowing it to recommend or impart titles and honours. He thought great advantage would be found in allowing this to be done. Hon. Members opposite who had not received honours at the hands of the Government might go over to Ireland and be made Baronets, or perhaps Peers; and he thought unappreciated merit would, consequently, find new advantages in a Home Rule Bill such as had never occurred to anybody before. There were hon. Members sitting on those (the Irish) Benches who might very properly be furnished with Irish titles by the Irish Legislature. There might be Sir Timothys and Sir Justins, whom they should be very glad to see back in that House with their new

honours. He was very glad to stand up in defence of the extension of the powers of the Irish Legislature for this if for no other reason; that his objection to the Bill was that instead of being an enabling it was a disabling Bill, instead of being a Bill for the extension of local authority it was a centralising Bill, and he should like to see it deprived of some of its centralising character.

Amendment negatived.

THE CHAIRMAN: The next Amendment, standing on the Paper in the name of the hon. Member of South Londonderry (Sir Thomas Lea)—

In Clause 3, page 2, after line 5, insert the following sub-section:—" (6) Language, or."

—is out of Order.

***MR. GERALD BALFOUR** (Leeds, Central) moved the following Amendment:—

In Clause 3, page 2, after line 5, insert the following sub-section:—" (6) Appointment of judges or magistrates; or."

The object of the Amendment, the hon. Member explained, was to withdraw from the Irish Legislature the power of enacting laws dealing with the Prerogative of the Crown to make appointments to judicial posts. He had originally placed upon the Paper an Amendment to the 1st sub-section of the clause withdrawing from the sphere of the Irish Legislature not merely the Crown, but the Prerogative and other Executive powers of the Crown. In deference to representations made to him by the Solicitor General, the justice of which he was constrained to recognise, he withdrew that Amendment, undertaking, at the same time, to frame particular Amendments dealing with the specific points he wished to withhold from the competency of the Irish Legislature. On the occasion to which he referred he understood the Solicitor General to say that the word "Crown" included the Prerogatives of the Crown. He thought it would be of some interest to the Committee if, before the discussion on this clause came to a conclusion, the hon. and learned Gentleman could tell them what Prerogatives of the Crown were included under the word "Crown," for he had since been devoting attention to this subject, and had consulted authorities as to the significance of this word "Prerogative," and he found almost every single subject

which in this clause was withheld from the consideration of the Irish Legislature was a Prerogative of the Crown, and not only that, but the catalogue of excluded subjects very nearly exhausted the list of what he might call the Executive Prerogatives of the Crown. Among the comparatively few important subjects which did remain, he might mention the power of pardoning and of bestowing offices, and the subject with which the present Amendment dealt—namely, the right of appointing to judicial posts. He hoped the Solicitor General would some time or other inform the Committee whether the Prerogative of Mercy and the patronage of the Crown was included under the word "Crown" in the 1st sub-section of this clause. At all events, as regarded the appointment to judicial posts, he had the hon. and learned Gentleman's distinct assurance that nothing in this Bill would prevent the Irish Legislature from passing laws dealing with that subject. The clause of the Bill to which the Solicitor General referred—the only clause in the Bill, he thought, which dealt with judicial appointments—was Clause 35. The 2nd sub-section of Clause 35 read as follows:—

"During six years from the passing of this Act, the appointment of a Judge of the Supreme Court or other Superior Court in Ireland (other than one of the Exchequer Judges) shall be made in pursuance of a warrant from Her Majesty countersigned as heretofore."

He had two observations to make upon that sub-section. First of all, it did not contemplate the case of appointments to the post of Magistrate; and, secondly, that after the six years mentioned in the clause were over the Irish Legislature would be at perfect liberty to enact what laws seemed to it fitting in regard to the appointment of Judges for the future. That was exactly what he desired to prevent. It seemed to him that was eminently one of those subjects which ought to be withheld from the competence of an Irish Parliament. He would like to make one point quite plain. The question whether the appointment of judicial officers should be vested in the Imperial or in the Irish Executive was undoubtedly a point of great importance, and one which would have to be raised in Committee before the discussions on this Bill came to an end. For his part, he thought that the answer to the question would depend

upon the kind of Executive that they were going to set up in Ireland. If the Irish Executive was to be, comparatively speaking, an independent Body like the Executive in the United States, then he certainly could see no harm whatever in giving to it full powers to appoint to judicial posts. But if, on the other hand, the Irish Executive was to be responsible to the Irish Legislative Body, then he thought the question would undoubtedly arise whether, under these circumstances, the power of appointment—at all events to the higher judicial posts in Ireland—should not be reserved for the Imperial Executive? But that question was not raised by the Amendment. What would be the effect of his Amendment? If the Bill were to pass as it stood, at the end of the six years mentioned in Clause 35 how would the Irish Judges be appointed? The Bill seemed to contemplate their appointment being vested in the Irish Executive, and that would appear to be confirmed by another clause in the Bill, which enabled the Judges to be removed upon an Address from both Houses of the Irish Legislature. It would be plausible to infer that if the Irish Houses had the power of dismissing the Judges, they were also to have the power of appointing the Judges. But, so far as he could discover, there was nothing in the Bill which distinctly stated that after the six years were over the appointment of the Judges should be vested in the Irish Executive. In the absence of any legislation dealing with this subject either by the Imperial Parliament or by the Irish Legislature, such a transference could only take place by an Ordinance of the Executive. The effect of this Amendment would simply be to prevent the Irish Legislature having a voice in the matter. It would not necessarily have the effect of vesting the appointment of the Judges in the Imperial Executive. It would confine legislation on the subject to the Imperial Parliament, but would not otherwise alter the existing state of things. It might be asked what did he fear the Irish Legislature might do? That Legislature might pass a law requiring the sanction of one or both Houses to any appointment of Judges that might be made, or it might take away the appointment altogether from the Executive and vest it in the Legis-

lature, or it might direct that the appointment of Judges should take place in accordance with the popular vote. He hoped they would not be told again, in the words of the Prime Minister, that suppositions of this kind were wild and extravagant suppositions, which cropped up like mushrooms on the soil of this Bill. Every one of these systems of the appointment of Judges was now in force in one or other of the State Constitutions of America; and, considering the influence that the American-Irish were likely to exercise over the future Irish Legislature, he thought there would be nothing improbable in the adoption in Ireland of some of those systems which were actually in force in many of the American States in connection with the appointment of Judges. Some State Constitution not only directed that the appointment to judicial posts should be made by popular vote, but also restricted the tenure of office of the Judges to a certain number of years. The Bill prevented the Irish Judges being appointed for a certain number of years only; the Judges would hold their appointments during good behaviour; but it was worthy of note that the Bill contained nothing to hinder the Irish Legislature from passing laws in regard to the mode of appointment of the Judges, except in so far as they were restricted from doing so for the period of six years. He was not going to argue whether such changes in the appointment of the Judges would be good or bad, for it was not necessary for his purpose, though, personally, he thought the changes would be unfortunate, and, indeed, under the circumstances, even disastrous in Ireland. He did, however, contend that, whether the changes were good or bad, it should be reserved to the Imperial Parliament to make them, if they were to be made at all. The Government were about to give to Ireland a rigid Constitution—that was to say, a Constitution which was superior to the Legislative Body it created; and which could not be altered by the Irish Legislature except in certain specified points. How did precedent stand in the matter? He maintained that it would be difficult to find an example—perhaps there was no example at all—of a rigid Constitution in which the appointment of Judges had not been fixed by that Constitution. It

had been so fixed in Canada, Australia, the United States, and in every single one of the Constitutions of the separate States. In no case had the appointment of the Judges been left as a matter in respect to which the Legislature was entitled to enact laws, and, therefore, he submitted precedent was entirely in favour of withholding this power from the Irish Legislature. If there was a reason for withholding from the Legislature of the United States the power of passing laws in relation to the Judges, there was a still stronger reason for doing so in the case of Ireland. In Ireland he was sorry to say that, whenever a Judge had the courage to enforce an unpopular law, he had in almost every case become on that very account the mark for calumny on the part of that Party which, if this Bill passed, would be likely to be dominant in the Irish Legislature. He did not wish to say anything that would promote animosity; but he thought those Members of the House who heard the language which the hon. Member for North Louth applied to the Irish Judges on Thursday must have carried away considerable food for reflection.

MR. T. M. HEALY: What language?

*MR. GERALD BALFOUR said, he was within the memory of the House on this matter. The hon. Member was twice warned by the Speaker that he was going near to the use of language in regard to certain Irish Judges which violated the Rules of the House. One other point to which he wished to call the attention of the Committee was that if the position of the Irish Judges in the past had not been an easy one, it was not likely to be easier if this Bill passed. Hitherto it had been sufficient that the Judges should correctly interpret the law. In future they would have to decide upon the validity of a law wherever there was any reason to suppose that a law passed by the Irish Legislature conflicted with an Imperial Act, or belonged to that class of subject which was withdrawn from the competence of the Irish Legislature. The duty of determining whether a law was valid or not would not be confined to the two Exchequer Judges. These Judges would in every case constitute a Court of Appeal where such questions arose, but many cases would undoubtedly have to be decided in the first instance by Inferior Courts. In

America the Federal Courts formed a network over the whole country, and cases in which there was a conflict between Federal Law and State Law were generally taken to the subordinate Federal Courts. No subordinate Courts of a similar description were provided for under this Bill, and, therefore, many cases would in the first instance be taken before the Inferior Courts, and would have to be decided by them. It would be perfectly clear to the Committee that, under these circumstances, the Imperial Parliament should take great precaution that competent persons were appointed to judicial posts in Ireland, considering that these persons would have to decide cases of conflict between the Imperial Laws and the Irish Laws. The natural thing would be to determine in the Bill the method by which the Judges should be appointed, so that no discussion could arise on the matter hereafter. They might reserve the matter for Imperial legislation, or leave the appointments to the Irish Executive; but whatever the method adopted, he thought they should refuse to allow the Irish Legislative Body to encroach upon a function which, whether upon the grounds of precedent or expediency, should be withheld from their competence. He begged to move the Amendment.

Amendment proposed,

In page 2, line 5, after the word "or," to insert as a new sub-section the words "(6) Appointment of judges or magistrates; or."—
(*Mr. Gerald Balfour.*)

Question proposed, "That those words be there inserted."

MR. W. E. GLADSTONE: The Government have gone a long way in admitting that restraint with regard to the appointment of Judges is justifiable during a transition period for the sake of good feeling and to allay unreasonable fears. But the hon. Member is not satisfied with this prohibition, and desires to impose a permanent disability upon the Irish people in this matter. It appears to us that the Body which, under the authority of a widely-extended national constituency, shall make laws for the order and good government of Ireland are also the persons who ought normally to make provision in all particulars respecting the Judges of Ireland. In

this matter Ireland, I am sorry to say, has a much better record than England. This is not a case of general imputation or loose opinion. As long as the English Government regulated the proceedings of the Irish Legislature, before the repeal of Poyning's Act, the English Government required the Irish Judges to hold office during pleasure; but when Ireland got a Parliament of its own, one of the earliest steps it took was to secure the independence of its Judges. Our view in this matter is that we ought to allow the general rule in this case to prevail. We have gone a long way in admitting that restraint may be justified during a transition period, but a permanent disability in the matter we cannot agree to recognise. With respect to the words suggested, I have another independent and specific objection. I am advised that the insertion of these words will prevent the Irish Legislature from legislating respecting the numbers of the Judges in Ireland, and that they would preclude the reduction of the number of the Judges in Ireland. Now, Sir, the numbers of the Judges in Ireland are, perhaps, the greatest scandal in Europe. I do not believe that in any country we can find anything approaching to the profligate extravagance of the Irish Judiciary. The Irish judicial establishments are entirely the outgrowth of the Union, and the Irish judicial establishments stand among the judicial establishments of Europe very much as the old Irish Church stood among the Churches of Europe. It was particularly distinguished from them for the same kind of disproportion between pay and work. To prevent the Irish Legislature from laying their hands on this astounding excrescence, this monstrous overgrowth, which is totally indefensible, and which ought to raise a blush to the cheek of every man who has to refer to the subject, I can hardly believe to be the intention of the hon. Member. I think, however, that this is the effect of the suggested words, because if the Irish Legislature are to pass a very stringent law for the reduction of the number of Judges, it may be said that an attempt is being made to alter the character of the office of those Judges who remain. I think that the hon. Member will see how untenable such a proposition is. But even if it were not so, we must still resist anything

in the nature of the imposition of a permanent disability on the Irish Legislature with respect to a matter which we consider to be one of the essential attributes of free local government. It is so recognised in our Colonies all over the world, and I cannot see why a stigma should be placed on Ireland in this respect.

LORD R. CHURCHILL (Paddington, S.): I understand the right hon. Gentleman to hold that under the Amendment the Irish Legislature would be precluded from fixing the number of Judges. I contend that that would not be the effect of the Amendment. There is the word "appointment" in the Amendment; and as far as the number of Judges are concerned, their pay, their tenure of office, and their pensions, the Irish Legislature will have the power to deal and to fix what terms within defined limits they think politic. But when I come to the appointment of the Judges, I think I can bring forward a point with which the right hon. Gentleman has not dealt. When has the right hon. Gentleman known, almost in any time in English history, Parliament interfering with the appointment of Judges? It is perfectly open to any Parliament—it will be open to the Irish Legislature under this Bill, if a bad appointment has been made—to move an Address of both Houses to the Lord Lieutenant; and if the case is a gross one, the Lord Lieutenant may advise the Crown to alter the appointment. This Bill introduces a slight Amendment in the appointment of Irish Judges, because the two Exchequer Judges are to be appointed under the Great Seal of England. Even before 1782 there is no precedent for that system. The Irish Judges were always appointed under the Great Seal of Ireland. In later times the practice has been for the Lord Chancellor of Ireland to recommend to the Lord Lieutenant the person best qualified for the Bench; and the decision of the Lord Lieutenant and the Irish Lord Chancellor has been always ratified. But it has been usual also to make the Imperial Lord Chancellor acquainted with the appointment, and he has been allowed to make any remarks on the appointment which he thinks desirable. I have never heard of a case in which the Imperial Lord Chancellor took ob-

jection to the appointment of an Irish Judge by the Irish Lord Chancellor, which was ratified by the Lord Lieutenant. That being so, why should the Government change the old practice? This Amendment only takes away from Ireland exactly what the Irish Legislature will not want, and a power which the Irish Legislature could not exercise. Why should not the right hon. Gentleman, without interfering with the powers of the Irish Parliament, withhold the Judicial Bench; why not keep the appointment of the Irish Judges in the old method—as I think he will if he adopts these words—or produce others that shall keep the appointment of the Irish Judges in the hands of the Lord Lieutenant? I think that would be advisable, even from a financial point of view, and the Lord Lieutenant would act upon the advice of the Lord Chancellor of the Imperial Government.

***SIR J. RIGBY**: It is a good rule in all matters that where there is responsibility there should be power. The Executive Government would be responsible for the peace, order, and good government of Ireland, and it would be one of their main duties to provide the proper Judiciary. This Amendment, it is said, although it prohibits entirely any legislation by the Irish Legislature with regard to the appointment of Judges, still gives them sufficient control. I venture to doubt that very much indeed. Suppose that the Irish Legislature passes a Bill that there shall be no new appointment of Judges until the number is reduced to a certain point.

LORD R. CHURCHILL: You can do that under this.

SIR J. RIGBY: The noble Lord is entitled to his opinion; it is not mine. You are to make no law about the appointment of Judges.

LORD R. CHURCHILL: No; the Amendment refers to the appointment of certain Judges, and I hold that this Amendment would not prevent the Irish Parliament from reducing the Judicial Bench to what number it likes.

***SIR J. RIGBY**: The noble Lord is entitled to his opinion, but this is a question of the construction of a Statute, and I must be entitled to have my opinion on the subject. Again, I say, that you are legislating about the appointment of Judges, and that in the

case supposed the appointments will not take place in accordance with the law as it existed before; but, still, that is a smaller matter. Under the proposed system of government the Irish Legislature will have full control as to the salaries that ought to be given to the Judges, and they would have, according to the noble Lord's view—though it is not mine—if this Amendment were adopted in this form, the power of determining the numbers, and would have to send over to Great Britain—to this country—to ascertain who were the persons to be appointed on the Irish Bench.

LORD R. CHURCHILL : That does not follow from my argument.

SIR J. RIGBY : I do not think the noble Lord was quite accurate in his statement of fact. True it is that the Irish Judges are appointed, as a rule, under the Great Seal of Ireland.

LORD R. CHURCHILL : Are there any exceptions?

***SIR J. RIGBY** : I will tell you of one; the Master of the Rolls, who is an important judicial officer in Ireland, is appointed under the Great Seal of Great Britain. True it is that the Lord Chancellor of Ireland now has a potential voice in the appointment of those Judges; but when we alter the state of things, the Irish Lord Chancellor, assuming there is such an officer, will not occupy the same position that he does now. He will be one of the Members of the Irish Executive, I presume, and the great principle the noble Lord is contending for is this: that a particular Member of the Irish Executive shall recommend the Judges, and have so fixed a position in that regard that the whole Legislature shall not alter it in one jot or particular. That system, if adopted, would not provide for what is properly an Imperial appointment of the Judges; it would only give an additional or Executive right of patronage to the Irish Lord Chancellor, instead of to the Irish Prime Minister or the Irish Cabinet.

LORD R. CHURCHILL : The appointments in England are not made by either.

***SIR J. RIGBY** : It would not be of the slightest advantage to this Debate to attempt to correct the noble Lord; I am simply stating what the effect of this appointment would be. It comes to this, that you secure the recommendation of the Irish Judges from one Member of the

Irish Cabinet; that is to say, the Lord Chancellor instead of the Cabinet as a whole.

MR. A. J. BALFOUR : I think it would greatly conduce to the brevity of the Debates if the Members of the Government, in dealing with Amendments, would go to the point instead of beating about the bush with verbal objections and totally irrelevant criticism. The hon. and learned Gentleman who has just sat down has talked about the number of Judges, about the Great Seal, about the Cabinet, and various points which he says he understands, and which the noble Lord does not understand, and what he has not talked about is the Amendment of the hon. Member. The speech in which my hon. Friend proposed the Amendment was perfectly clear. In his speech my hon. Friend says that, under the Parliamentary power you are giving this Irish Legislature, it would be competent for that Legislature to say that henceforth the appointment of all judicial functionaries in Ireland, be they Judges or be they Magistrates, shall not be vested, as at present, in the Crown, acting under the advice of the Lord Chancellor or otherwise, but shall be vested in popular Bodies elected through vote by Ballot. That is my hon. Friend's point, and he says that is not an extravagant proposition. It is the practice largely in force in many States in America at this moment, and why should not the Irish Legislature do it? The question has not been touched by the Government; they have not thought it worth while to answer a single argument. The Prime Minister has told us, and in that I entirely agree with him, that the number of Judges at the present moment in Ireland is excessive. It was certainly not my hon. Friend's intention to stereotype that number of Judges; and if his Amendment would have that result, the slightest verbal modification would put it right; and if it were made to read thus: "the mode of appointment of Judges and Magistrates," fully half of the speech of the hon. and learned Gentleman would become irrelevant. Neither is it a question whether the appointment of the Irish Judges is to be vested in an Irish Executive or an Imperial Executive. That is a question of great importance; it is a question we shall have to discuss before this Committee closes; it is a question on which I hold a strong

opinion, but it is not a question raised by this Amendment. My hon. Friend does not propose to withdraw, by his Amendment, from the Irish Lord Chancellor, in concert with the Irish Lord Lieutenant, the power of appointing Judges; that system my hon. Friend not only does not propose to abolish, but proposes to maintain. His desire is that in the future, as in the past, the Irish Judges shall be appointed by the Crown on the advice of Ministers, and in this Amendment he does not say whether they are to be Irish or English Ministers; he leaves that open. What he says is, it shall not rest with the Irish Legislature to determine whether we shall substitute for the appointment of Irish Judges by the Crown a system of popular appointment. "But, then," says the Prime Minister, "why should we withdraw from the Irish Legislature powers given to Colonial Legislatures and given to American Legislatures; why should we violate the uniform practice of the civilised world in the case of the Irish Legislature?" I appeal to the practice of the civilised world; I appeal to the precedents to which the right hon. Gentleman attaches so much importance, and I would point out it is the general practice in America, and it is laid down in the Constitution the principle on which the Judges are to be appointed; and we, in framing our Colonial Legislatures, have not been unmindful of the example set us by America. The right hon. Gentleman quotes the Colonies; I will read him a section out of the British North American Act. It is called 30 & 31 Vict., c. 3, s. 93—

"The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those in the Court of Probate in Nova Scotia and New Brunswick."

So that we have clearly adopted the principle for the Colonies which my hon. Friend recommends us to adopt in this Bill, and which the right hon. Gentleman would have adopted if he had known of these Acts.

MR. W. E. GLADSTONE: If the Amendment was different from what it is.

MR. A. J. BALFOUR: I must say I think the action of the Government in dealing with these Amendments is such as I have never seen in this House before. I will tell the right hon. Gentleman in

what it differs from the practice of every Government I have seen on that Bench.

MR. W. E. GLADSTONE: Hear, hear.

MR. A. J. BALFOUR: The right hon. Gentleman, whose memory goes back further than mine, may be able to quote precedents 20 or 30 years ago which may perhaps support his present practice. I only speak of the facts I have known. I can assure the right hon. Gentleman it generally conduces to shortening debate if, when an Amendment is made and the speech points out a real defect in the Bill, the Government did not rely on some verbal deficiency in the Amendment proposed. The Government have been in the habit of saying, "This does not carry out the object," and they have never suggested the substitution of such-and-such words when the Amendment could be accepted. Now, I understand that the right hon. Gentleman is ready to accept an Amendment on this subject, but not the Amendment of my hon. Friend, and he thinks he has done his duty in conducting this Bill in simply pointing out certain verbal deficiencies without making any suggestion in return. The duty the right hon. Gentleman has failed to perform I will endeavour to perform for him, and I suggest to my hon. Friend to introduce before the words "appointment of Judges and Magistrates" the words "the mode of." By that he would avoid all the criticism passed by the right hon. Gentleman upon the present strength of the Judicial Bench; he would avoid all the criticism, so far as I was able to understand it, from the Solicitor General, and he would bring his Amendment into absolute conformity with those colonial precedents in which the right hon. Gentleman expresses such implicit confidence and belief when they agree with the character of his Bill, but which he brushes aside when they run counter to his own prejudices and the English practice. Really, I think the Government will see that the claim put forward by my hon. Friend is of the most important description. He does not desire to hamper the Irish Executive at all, or to throw into the hands of English Ministers the appointment of Irish Judges, but he desires that the practice of appointing judicial officers in Ireland shall conform to the practice which is universal in this country and which we

have imposed by Statute on the Colonies. This is a moderate request; and the Government would not only obey the dictates of reason, but they would save time, if they gave some consideration to this matter.

*MR. GERALD BALFOUR said, he had no objection to the words suggested, though they in no way altered the sense of the Amendment.

THE CHAIRMAN: Does the hon. Gentleman move?

MR. GERALD BALFOUR then moved to insert, before the words "appointment of Judges or Magistrates" the words "mode of."

Amendment proposed to the said proposed Amendment, before the first word, "Appointment," to insert the words "the mode of."—(*Mr. Gerald Balfour.*)

Question proposed, "That those words be inserted in the said proposed Amendment."

MR. W. E. GLADSTONE: On almost every occasion, including this, over and over again on Amendments, including that divided upon before dinner, it is admitted that the Amendment goes too far or it does not express its purpose, and we are invited to find ideas. ["No, no!"] At any rate, we are invited to put ideas into form. That is not the proper mode of conducting a Debate of this kind—that Amendments are to be put down, and then we are to be told, "We do not mean those, but something very different." ["No, no!"] I say it has been done over and over again. The words of an Amendment were not the proper words, and something else was suggested. I have made this reference not in any way of hostile criticism. We entirely differ from the right hon. Gentleman upon the construction of this Amendment. We have taken the best advice we could upon it, and we have applied to it a totally different construction to that put upon it now. We had no notice of the construction to be placed upon it.

MR. A. J. BALFOUR: It was the construction of the Mover of the Amendment.

MR. W. E. GLADSTONE: It is totally contrary to our construction. When we saw the Amendment on the Votes we placed upon it the best construction we could. The speech of the

Mover does not fix the construction of the Amendment. If the right hon. Gentleman desires to raise the question whether it would be wise to vest these appointments in the Crown, that is a fair question to raise; but it ought to be raised, as it was raised in the only Colonial Statute referred to, by a positive enactment to that effect.

LORD R. CHURCHILL: I would submit to the right hon. Gentleman, with all respect, that he places the Opposition in a very difficult position. If we move Amendments, raising very grave Constitutional questions, the right hon. Gentleman censures us because, he says, we are raising points that have been raised over and over again; if we really try to amend the Bill on subjects that cannot well excite Party opinion to any high pitch, then the right hon. Gentleman says that we do not know our own mind—that we have not drafted our Amendments properly. Does the right hon. Gentleman, on many of these points under Clauses 3 and 4, want the Opposition—whom I utterly deny are Parliamentary idiots—to suggest Amendments without their being met, or will he meet them on argumentative grounds, and be prepared to make concessions in the drafting of the Amendments? If the right hon. Gentleman is prepared to make us those concessions in the drafting of Amendments we are prepared to make similar concessions to him. How can you make it a matter of charge against the Opposition that when you do not agree with our Amendments you have really no discussion? Why do you blame us when we endeavour to obtain your assistance in settling a form of words that will meet the case? I appeal to the First Lord of the Treasury to do his best to secure that the progress of the Committee may be perfectly quiet and harmonious. [*A laugh.*] What is there to laugh at in that? Do hon. Gentlemen want the reverse of quiet, because there are hon. Members in this House who will gratify them. When we endeavour to meet the Government by altering the terms of our Amendments, it is very hard to bring against us the charge that we do not understand our position, or the position of the Bill, or the position of the Government, and that the terms of our Amendments are altogether impossible. I only ask the right hon. Gentleman whether he will insert in the

Bill any word which will vest in the most restrictive manner the appointment of Irish Judges in the Crown? All we want is that the actual nomination and selection of the Judges shall be vested in the Crown, the Irish Parliament retaining full power of criticising the appointment, if a bad one.

*MR. BLAKE (Longford, S.) said, it seemed to him that if the question was really the substitution, for the existing method, of popular election there was little difference of opinion in the Committee. There was practically no difference of opinion on the point that the method of appointing Judges which existed here and in all our Colonies, so far as he knew, was the most advisable method; and he was quite sure that those who constructed the Bill and those who were supporting it had no desire that any other method should replace it. They did not share the opinion of the hon. Member who had suggested that the appointments should be on the advice of the English Executive. Upon the general question of the method of the appointment of Judges, he doubted whether any single Member of the House dissented from the view that the appointments ought to be made by the Crown on the advice of the responsible Executive. If it was proposed to prescribe the method of appointing Judges, let it be done in the proper place in connection with the tenure of the office of Judges in the 26th clause. They might have a sentence analogous to the sentence which the hon. Gentleman read out of a Colonial Constitution providing that the Judges should be appointed by the Crown on the advice of the Irish Executive. But it was somewhat of a disabling change to provide that they should not alter the mode of appointment as was provided by the Amendment, and they did not know how far it would reach. To an Amendment in the proper place vesting the appointments in the Crown on the advice of the Irish Executive there would not in his view be the slightest objection.

MR. J. CHAMBERLAIN: I think the speech of the hon. Member who has just sat down has materially assisted us in coming to a conclusion, because from what he has said it appears there is very little difference of opinion between him and the Mover of the Amendment. The only difference appears to be as to the

place the Amendment should occupy. As to that, I shall only say that, as we are dealing now with restrictions upon the legislative capacity of the Irish Legislature, I should certainly have thought this, which will be a legislative restriction in restraint of legislation, would properly come in the place in which it has been moved. Although I have said there would appear to be very little difference between the hon. Member opposite and those who support the Amendment, I cannot say as much for the Government in the position they have taken up. They made objections of two kinds to the Amendment of the hon. Member opposite. Their first was an objection of detail, and their second was an objection of principle. The objection of detail was that this Amendment was so wide that it would preclude the Irish Legislature reducing the number of Judges, or interfering in any way with the character of the appointments. Suppose it did, would not that be a matter which would be perfectly safe in the hands of the Imperial Parliament? It was said the number of Judges in Ireland was a scandal, and it might be that that scandal was originally due to the action of preceding British Governments; but that scandal might have been removed long ago if it had not been for the opposition of the Irish Members. If they now wished to reduce the number, there would not be the slightest difficulty in insuring attention to their wishes in the Imperial Parliament. The objection of the Prime Minister has been fully met by the Amendment to the Amendment. If the Amendment were limited to the "mode" of appointment, that would leave absolutely to the Irish Legislature the power of dealing with the number of Judges. The matter of detail is a small question, but the matter of principle is of much greater importance; and this is only one of several Amendments which the Opposition have on the Paper, some of which go much further than the Amendment under discussion. The Solicitor General said that where the responsibility was, there should be the power, and that as the Government proposed to make the Irish Legislature responsible for peace and order that Legislature should be given the right to appoint the Judges. But there must be some fallacy here, for the Government expressly reserves the power

of appointing Judges for six years, and by Sub-section 5 of Clause 4 they lay down that the powers of the new Legislature shall not extend to the making of any law whereby any person might be deprived of life, liberty, or property without due process of law, or whereby private property might be taken without just compensation. The Government are well aware that they are now approaching one of the most important questions arising under this Bill. It is one of the three or four great questions which separate the Government from those hon. Members who are prepared to give a large measure of self-government to Ireland—[*Ironical Ministerial cheers and laughter*]*—*but who are not prepared to accept this Bill. Some hon. Members cheer ironically. If I were going to write an article for *The Daily News*, I should, no doubt, refer to the “malignant and insulting interruptions” of hon. Members. It appears to be thought by some hon. Members that there is no one in this House who is prepared to grant Ireland a large scheme of local self-government, whilst not being ready to grant the right of appointing the Judges. To show these hon. Members that they are in error, I would point to an hon. Member of this House who is in that position. I do not see him. It is a most singular thing, at the very moment when this point comes on for discussion, the Secretary for Scotland is absent. The right hon. Gentleman declared as late as May, 1887, that he would never be willing to hand over the appointment of the Judges and Magistrates to a Party represented by hon. Members below the Gangway opposite. Everyone in this House knows that we have not to deal in Ireland with the same state of things with which we had to deal when granting Constitutions to the great self-governing Colonies. In the case of Ireland we have to deal with a country which is divided, in which there are two religions and two Parties which have been separated by bitter controversies for a great number of years. The Government themselves admitted that in view of this fact it was necessary to provide certain safeguards, in order that these differences might be covered by the protecting ægis of Imperial authority. But these are not the only difficulties in the case. There has been a bitter feud between Ireland and this country, and,

consequently, the Government feel, as we do, that it would not do to trust absolutely the new Irish Legislature with unlimited powers respecting questions that might arise between Ireland and England. How do they propose to protect themselves? By keeping in their own hands the appointment of Judges. They provide for the appointment of two Exchequer Judges, before whom questions in which England is concerned will go. I am treating this as an admission on the part of the Government that it is necessary to protect interests which are threatened by these serious differences of opinion. It is proposed that we should protect the pecuniary interests of England by reserving in our own hands the appointment of Judges. Would it, then, not be selfish to limit our protection of the minority in Ireland by enacting that after six years the appointment of the Judges, who would decide questions affecting the lives and property of that minority should pass into the hands of the Irish Government? This will be one of the most critical and important divisions on the whole Bill. I cannot understand why, although we are referred again and again by the Government to Colonial Constitutions, our arguments are always put aside when we, in our turn, refer to Colonial Constitutions.

MR. W. E. GLADSTONE: We are perfectly ready to consider the question whether we should adopt a provision such as that which has been read.

MR. J. CHAMBERLAIN: I did not understand my right hon. Friend before to say even as much as he has said now; but, at all events, that is not enough. I will prove that, I think, to the satisfaction of himself. Does he admit that we have a point here, and does he pledge himself at a future stage of the Bill to endeavour to give us satisfaction? That would be something to tell us.

MR. W. E. GLADSTONE: I said the point was an entirely new point to us. We construed the Amendment in a totally different manner; but the point now raised, being new to us, we are quite willing to consider it.

MR. J. CHAMBERLAIN: I confess I really find myself unable to understand how the point can be new to the Government. I do wish my right hon. Friend would consult with his Colleague, the Secretary for Scotland, about

it. It is not new to him. His speeches in 1886-7 were full of this point. His chief objections were based upon this matter, and I confess I cannot understand how a matter of this cardinal importance can have failed to come under my right hon. Friend's notice, and have been discussed from every point of view. My right hon. Friend has stated that he misunderstood this particular Amendment. [*Cries of "No, no!"*] Well, that he had misconstrued it; but to what extent has he done so? [Mr. ROBY: No, no!] Let my right hon. Friend contradict me if I am wrong. I really cannot accept the hon. Member for Eccles as the interpreter-in-ordinary to the Prime Minister. How can it be that the right hon. Gentleman misconstrued the Amendment? The Amendment, at any rate, included the mode of appointment; it raised the whole question of the mode of appointment, which the Committee are now discussing, as well as the appointments. If, therefore, my right hon. Friend had regarded the Amendment beforehand with a view to this Debate, he surely must have contemplated this question as well as the larger one in which it was included. We are again and again confronted with the Canadian and other Colonial Constitutions. But it must be borne in mind that in the case of Canada, it was not with the Constitution of the Dominion Parliament we were dealing, but with the Inter-provincial Constitutions of Parliament, the position of the Central or Dominion Parliament in regard to the Provincial Parliament, and in the case of Canada, for the same reasons which should govern and control our action—the sharp division of opinion between two religions in the country—the Criminal Law and procedure, the appointment of Judges, and the mode of appointment, were reserved to the Dominion Parliament. Now, Sir, if that is the analogy to which we are referred, we claim that that should be observed in the present Bill. In these circumstances, I will again ask my right hon. Friend whether he will, at some future stage, insert words to prevent the Irish Legislature from dealing with the mode of appointment of Judges? I think that it is a reasonable request, and if my right hon. Friend will say the Government will undertake to bring up some proposal to give effect

at a subsequent stage to what is contemplated by the Amendment, I think it will tend to facilitate the progress of the discussion.

*MR. BRYCE: My right hon. Friend who has just sat down cannot, I think, have heard, or must have misunderstood, the interpretation put upon the Amendment by the Leader of the Opposition. We had been discussing words which had been at first taken in different senses by the Government and by the Mover of the Amendment, and the Government had only subsequently gathered the sense in which the Amendment is now pressed, which, up to the present, was really non-existent. I do not think there is any substantial difference between the two sides of the House regarding the particular point on which the Leader of the Opposition had dwelt. When the Amendment was first put down, we placed a totally different construction upon it from which it is now explained the Mover intended to attach to it. We understood it to mean that the Irish Legislature were to have no power to deal with the number of the Judges or the conditions affecting their offices; but that everything relating to the Judges was to be left to the Imperial Parliament. As soon as the point was put to the Government that what was meant was the mode of the appointment of Irish Judges, which it was desired should not be left in the future to popular election, we admitted that this point was fair matter for consideration. We are still willing to consider it, but we submit that this is not the time. In the first place, the form of words in the amended Amendment, would tend to stereotype the existing method of appointment in every case; and it might probably be found that there were possible improvements in the methods of appointment which it would be advisable to allow the Irish Legislature to effect. For instance, the Irish Master of the Rolls is appointed in a different way from the other Irish Judges, though there is no reason, in the nature of things, why that should be. The Government cannot, therefore, accept the Amendment, even in its amended form, because we do not think that the Irish Legislature ought necessarily to be disabled from making any change whatever, small or great, in the present modes of appointment. But what we feel is this: If there be any real danger that the Irish Legislature would lend itself to dangerous changes—such as, for

instance, appointment by popular vote, a method which has been adopted with most unfortunate results in many of the United States—the Government are quite ready to consider the propriety of preventing such a step. But it has never occurred to us—certainly not to myself, though I am pretty familiar with the subject—for a moment that that was the precise object which the Mover of the Amendment had in view. Clause 26, relating to the tenure of the Judges, would seem to be the fitting place to raise this question. We cannot raise it here; but when we come to that clause we shall be perfectly willing to consider it, and in these circumstances I submit that the proper course would be for the Amendment now to be withdrawn.

*SIR H. JAMES observed that the Chancellor of the Duchy had placed the question in a most remarkable position. It was a question of legislation, and the right hon. Gentleman had just said that the Irish Legislature ought not to be prevented from dealing with the mode of appointment in any way it pleased.

MR. BRYCE replied that he had said nothing of the kind. What he did say was that he did not think it right to withdraw from the Irish Legislature all power of making Amendments, great or small, in the present modes of appointment.

*SIR H. JAMES said, that this was the Legislative Clause, and Clause 26 had no relation whatever to the subject of legislation. It was perfectly foreign to that subject, and if they now were to draw this Bill symmetrically and follow the wishes of the distinguished draughtsman of the Bill, this subject must be left out of the Bill altogether, or inserted in the clause under discussion. He could not conceive that anyone would put upon the Amendment the construction that it was to deal only with the diminution or increase of numbers. It must include the mode of appointment, and that question must have been considered by the Government.

*MR. GERALD BALFOUR said, the Chancellor of the Duchy had stated that his right hon. Friend below him (Mr. A. J. Balfour) had put an entirely new construction on the Amendment.

MR. BRYCE: A construction we did not put upon it.

*MR. GERALD BALFOUR said, the construction his right hon. Friend put upon

it was the construction he himself explained in his speech in moving the Amendment. He could not congratulate the Government upon their power of interpreting plain English words. Such perversity of interpretation was only to be explained in one way. The Government did not wish to put the natural interpretation on the words, in order that they might have an easier case to answer, and that alone was the explanation of the attitude they had taken up. He should certainly go to a Division on the question.

MR. J. MORLEY: I really cannot understand why the hon. Gentleman should have thought fit to import a new tone into the discussion by saying we did not wish to understand or did not care rightly to interpret his words because we did not wish to understand them. The hon. Gentleman must know very well that that is not the explanation. What happened? The hon. Member made his speech and moved his Amendment, and then the right hon. Gentleman the Leader of the Opposition had to explain and annul the meaning of the Amendment. It was at the suggestion of the right hon. Gentleman that the new form for the Amendment was pressed upon the House.

MR. A. J. BALFOUR said, he only dealt with the matter very briefly, and not as suggested by the right hon. Gentleman.

MR. J. MORLEY said, at all events the right hon. Gentleman would admit that the real intention of the Amendment had been conveyed to hon. Members.

MR. A. J. BALFOUR said, the Government should not only meet the prejudices of his hon. Friends, but carry out their wishes.

MR. J. MORLEY said, coming to Clause 3, they found themselves in an extraordinary position. They had done their best to meet and reconcile prejudices; but the right hon. Gentleman did not seem to be satisfied. Might he be allowed to point out that this clause was a clause excepting from the jurisdiction of the Irish Legislature certain large fields of legislation? The Amendment, however, proposed to except a specific detail in a specific manner—namely, the subject-matter relating to the appointment of Judges. He quite agreed himself it was a most important de-

tail. He did not want to underrate or minimise the importance of this Amendment; but, as he had said, there was a large branch of legislation which would come under the limitation of powers, and the Government contended that the matter should be dealt with on Clause 26. They were about, by this Bill, to give the Irish Legislature power to make laws for securing the good order and government of their country; and it was absurd to say that that Legislature, who were fit to make those laws, were not fit to appoint the Judges who were to administer the laws they might impose. The right hon. Gentleman the Member for Birmingham, who had been responsible for the order and the good government of that great Municipality, would scarcely undertake to say that he would care to be responsible for that order and that good government if the Municipal Body had no Executive power over those entrusted with the carrying out of the laws that Body might make.

MR. J. CHAMBERLAIN said, the Municipality in question did not appoint one of its Magistrates, Stipendiaries, or Recorders, who administered the law.

MR. J. MORLEY said, the Municipality did not make the laws which the Magistrates, the Stipendiaries, or the Recorders administered, whereas the Irish Legislature would make those laws. He, however, had been referring to the other Municipal officers, and not to Judges. If the Legislature was capable of making laws it was surely capable of having them carried out. He thought the Chancellor of the Duchy had very clearly defined the position, and he need say no more with regard to it.

COLONEL SAUNDERSON (Armagh, N.) (who was received with cries of "Divide!") said, he would only occupy a minute or two's time, and he thought no man had a better right to speak on this question than he had, because he represented that body of the Irish population who would be presided over by these Judges. He must say that he was entirely in the dark as to the intentions of Her Majesty's Government with regard to this question. If the Judges were appointed by the Irish Executive they would be appointed, as they now were, by the *Independent* Irish Lord Chancellor, who, if they might credit newspaper reports, would be the hon. and learned Member for North Louth.

Mr. J. Morley

MR. T. M. HEALY: As good as Ashbourne, anyhow.

COLONEL SAUNDERSON said, when they had a Land League Government the object of that Government would be to bring the law into harmony with the feelings of the majority of the Irish people. He would not look upon it as a concession to allow the Judges to be appointed by the Lord Chancellor of Ireland under a Home Rule Government. The Party he belonged to would look upon a concession of that kind as absolutely fatal to their liberty, their freedom, and their safety. They knew that the future Irish Judges would bring the law into harmony with the wishes of the Irish people, which was to make the law of the land synonymous with the law of the League. They did not care whether the law was so brought into harmony by Judges chosen one way, or elected as in various other places. He would support the Amendment, because he looked upon it as a foundation-stone for further proposals. [*Cries of "Oh!"*] There was only one possibility of establishing anything like justice under Home Rule, and that was that the Judges should be appointed by the Imperial Parliament. To vest that power in any other authority would be absolutely rejected by him and his friends. The Government, however, appeared to refuse any concession in this direction.

MR. W. E. GLADSTONE said, that concessions had been made over and over again. The hon. and gallant Gentleman spread the question over a wide field; but the right hon. Member for West Birmingham brought it to a point; and he wished to make sure that the position of the Government, and of himself, was appreciated. With reference to the appointment of the Judges by the Crown, they had made a promise during the Debate. In principle they had no objection to that course; but in practice it might be found objectionable. If they remained of the same mind, they would give effect to that proposition; but if they saw the expediency of altering their intention, then others would have an opportunity of expressing their views. Their objection to the present proposal was that it was a disabling measure. In their view, this should be done by a positive proposal. He would point to the speech of the Chancellor of the Duchy with regard to this matter. He

said that there might be particular matters as to which there ought to be legislation, and with which the Irish Legislature should have power to deal. He could see no reason why the appointment of the Master of the Rolls should stand on a different footing to that of other Judges. They must, otherwise, refuse to shut out the Irish Legislature from interfering with matters in which it might be in their power to make very important improvements. The Government were not aware of any objection to the insertion of such a provision in the Bill; but it would be necessary to consider in what form and where it ought to be inserted.

Mr. J. CHAMBERLAIN and Mr. J. J. CLANCY rose.

MR. SPEAKER called upon

MR. J. CHAMBERLAIN, who said, he would not stand between the hon. and learned Gentleman on the opposite Bench for more than a moment. He merely rose because of the reference that had been made to him by his right hon. Friend the Prime Minister. His right hon. Friend wished his own position and that of the Government to be well understood in regard to this matter. He (Mr. J. Chamberlain) certainly did think he understood his right hon. Friend perfectly; but he could not say that his statement was consistent with the extraordinarily rigid speech of the Chief Secretary, because, after his right hon. Friend had expressed his willingness to give a favourable consideration to the principle of the Amendment, the Chief Secretary got up and renewed, in the strongest possible terms, the protest of the Solicitor General, and said that where responsibility was given there power must also be given, so that if power were given by this Bill to the Irish Legislature to elect Judges, they must, *à fortiori*, be trusted as to the mode of election. Although he thought the popular mode of election of Judges was inadvisable, yet if the majority of the Representatives of the people in Ireland should in the future desire that the election should be popular instead of the Judges being appointed by the Crown, he did not see on what ground, accord-

ing to the principle of the Chief Secretary, there could be any objection. He thought, therefore, the Unionists were bound to take a Division by way of asserting the principle they desired to have accepted—that with regard to those matters as to which they had reason to believe the lives or property of the minority would be in danger they were entitled to have safeguards in the Bill.

MR. CLANCY (Dublin Co., N.) said, he would not detain the Committee. He desired to say, on behalf of those with whom he acted, that they did not bind themselves beforehand to vote for any Amendment of the character that was suggested by the Prime Minister. They were entirely in accord with the hon. Member for Longford (Mr. Justin M'Carthy) as to the expediency of vesting the appointment of the Judges in the Crown, acting on the advice of the responsible Executive. He had never heard any Irish Member express his preference for any other mode, and he did not believe that an Irish Parliament would propose any other kind of appointment. This, however, was an exclusively Irish matter, and the Irish Legislature ought, therefore, to have the power to deal with the subject as it liked. He desired to safeguard the position of his Party, not only with regard to this concession, but also with regard to some other concessions, or promised concessions, as to which they must not be taken beforehand as assenting to them.

MR. T. M. HEALY said, it would spare a Division, and so save time, if the Amendment were amended as proposed, and a Division taken upon it in its amended form.

Question, "That the words 'mode of' be inserted before the word 'appointment,'" put, and agreed to.

Question put, "That the words '(6) The mode of appointment of Judges or Magistrates or,' be there inserted."

The Committee divided :—Ayes 255 ; Noes 291.—(Division List, No. 116.)

And, it being after Midnight, the Chairman left the Chair to make his report to the House.

Committee report Progress ; to sit again To-morrow.

PIER AND HARBOUR PROVISIONAL
ORDERS (No. 3) BILL.—(No. 342.)

Read the third time, and passed.

PIER AND HARBOUR PROVISIONAL
ORDERS (No. 4) BILL.—(No. 354.)

Read the third time, and passed.

NEW WRIT.

For Linlithgowshire, *v.* Peter M'Lagan, esquire, Manor of Northstead.

MESSAGE FROM THE LORDS.

That they have passed a Bill, intituled, "An Act to amend the Law relating to the Madras and Bombay Armies." [Madras and Bombay Armies Bill [Lords].

Also, a Bill, intituled, "An Act to confirm certain Provisional Orders made by the Education Department under 'The Elementary Education Act, 1870,' to enable the School Boards for Chiswick, Haworth, and West Ham to put in force 'The Lands Clauses Consolidation Act, 1845;' and the Acts amending the same." [Elementary Education Provisional Orders Confirmation (Chiswick, &c.) Bill [Lords].

Railway Rates and Charges,—That they do give leave to the Lord Balfour of Burleigh to attend in order to his being examined as a Witness before the Select Committee appointed by this House on Railway Rates and Charges, his Lordship (in his place) consenting.

PUBLIC WORKS LOANS BILL.

On Motion of Sir John Hibbert, Bill to grant money for the purpose of certain local loans, ordered to be brought in by Sir John Hibbert and Mr. Chancellor of the Exchequer.

Bill presented, and read first time. [Bill 383.]

COUNTY OF THE CITY OF GLASGOW BILL.

Select Committee on the County of the City of Glasgow Bill nominated of,—Dr. Cameron, Mr. Donald Crawford, and Sir Herbert Maxwell, with two Members to be added by the Committee of Selection.—(Mr. Marjoribanks.)

LAND TAX COMMISSIONERS' NAMES
BILL.—(No. 164.)

Read a second time, and committed for To-morrow.

Ordered, That the Members for Counties do prepare lists of the Christian and surnames of Commissioners for executing the Land Tax Acts for their respective Counties.

Ordered, That Members for Boroughs and Places having Commissioners executing exclusive jurisdiction within the same under the said Acts do prepare similar lists of Commissioners for executing the said Acts within such Boroughs and Places respectively.

Ordered, That Members for other Boroughs and Places do prepare similar lists of Commissioners for executing the said Acts for the Counties in which such last-mentioned Boroughs and Places are situate.—(Sir John Hibbert.)

AGRICULTURAL HOLDINGS BILL.

(No. 35.)

Order for Second Reading read, and discharged.

Bill withdrawn.

FIRMS REGISTRATION BILL.—(No. 119.)

Order for Second Reading read, and discharged.

Bill withdrawn.

PUBLIC ACCOUNTANTS BILL.—(No. 65.)

Order for Second Reading read, and discharged.

Bill withdrawn.

PUBLIC ACCOUNTANTS (No. 2) BILL.

(No. 248.)

Order for Second Reading read, and discharged.

Bill withdrawn.

FERTILISERS AND FEEDING STUFFS BILL.

On Motion of Mr. Herbert Gardner, Bill to amend the Law with respect to the sale of Agricultural Fertilisers and Feeding Stuffs, ordered to be brought in by Mr. Herbert Gardner, Mr. John Morley and the Lord Advocate.

Bill presented, and read first time. [Bill 384.]

IMPROVEMENT OF LAND (SCOTLAND)
BILL.

On Motion of Mr. Herbert Gardner, Bill to extend the operation of "The Improvement of Land Act, 1864," so far as regards Scotland, ordered to be brought in by Mr. Herbert Gardner and Sir George Trevelyan.

Bill presented, and read first time. [Bill 385.]

House adjourned at twenty minutes after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, 6th June 1893.

Several Lords—Took the Oath.

AUTHORISED COMPANIES (LIQUOR)
BILL [H.L.] (No. 26.)SECOND READING. [ADJOURNED
DEBATE.]

Order of the Day for the Second Reading, read.

*THE BISHOP OF CHESTER, in moving the Second Reading, said, he would try to be as brief as he possibly could, but his subject necessarily carried him to some extent into unfamiliar regions. He would especially avoid going again over the ground he traversed in moving the First Reading. The late Sir George Cornwall Lewis said that the practical experiments of one country served as the scientific experiments of its neighbours. Unfortunately, the practical experiments of other nations was a somewhat lengthy matter, which required somewhat fuller treatment than those within our own experience. He would explain at the outset the views of the authors and promoters of this Bill with regard to temperance legislation. They were not under the delusion that it was possible to make men temperate by Act of Parliament, but they did believe that it was possible to clear away the obstructions which hindered those other influences—religion, education, and civilisation generally—which were themselves the strongest motive influences in creating temperance. They considered that that was a general belief, and it was surely acknowledged to be so when licensing proposals were before Parliament and the country in 1888 and 1890. It was remarked that at that time, although opinions differed, no one was found to say "Why can't you let it alone?" The revelations in Government Returns and elsewhere spoke so very strongly that it was felt, he believed on all sides, that things ought to be made better, if legislation could do anything in that direction. In a Parliamentary Return it was shown

that every year one person, on an average, out of every 173 was convicted of drunkenness, and that in boroughs the number of public-houses bore exactly the same proportion to their inhabitants; there was one public-house for every 173 inhabitants. Lord Randolph Churchill, in moving a Resolution on the subject, pointed out that, although a considerable reduction had been made in the number of public-houses, a further reduction was necessary; and the President of the Local Government Board had remarked that that was the opinion of all his Colleagues, as well as of himself. The principles of the Bill which he asked their Lordships to read a second time—its main novel features, if he might say so—were that it first of all placed very clearly before the mind of the country the idea that the entertainment of the people was of the highest national importance. All were agreed that the entertainment should be made as bright, wholesome, and serviceable as it could be; and, in order to do this, the Bill proposed to give a fair chance to that public spirit which, in other departments of life, had done so much to give greater purity and wholesomeness to life. What would our social life be if everything was to be handed over to private enterprise, and public spirit were to be entirely put out of sight? This was a point on which the promoters of the Bill laid great stress. They thought it was desirable to let a little new blood, as it were, into our system of licensed victualling. That had been done with success in Scandinavia, and why could it not be done in England? He believed that it could be done with equal success in England if the experiment were properly tried, as it would be under this Bill. The measure did not, he ventured to say, in any objectionable way interfere with personal freedom. It attempted to carry out the first recommendation of the Committee upon which sat the Bishop of Peterborough, the author of the famous paradox that "he would rather see England free than sober." He had carefully inquired whether any detrimental effects had followed the introduction of this system, and he had found none. The Swedes and Norwegians were as good sailors now as they ever were, and our own Army had not suffered any detriment from the introduction of what was practically the

Gothenburg system, and from its great development in India under the auspices of Lord Roberts. It was of the greatest importance that their Lordships should distinguish between the negative freedom—which too frequently usurped the title—and positive freedom. Negative freedom claimed the right to be what one liked, and to have no master but one's own mood, which was the freedom of the spoilt child, or of the rake, or anyone else who went the wrong way. Positive freedom—the power to be one's best and fullest self—could never be won except by self-discipline; and self-discipline, for the nation, must surely very often take the form of legislation. He had attempted, when he was introducing the Bill, to show what the growth of the Gothenburg system had been. Starting from 1879 it underwent a very thorough and searching examination at the hands of a Committee of their Lordships' House, and became the first recommendation of that Committee. Since that time the system had spread over Sweden and Norway. It had been adopted in principle by the Federal Government of Switzerland. At the International Alcoholic Congress, held in Christiania in 1890, the Director of the Swiss Federal monopoly said that the Gothenburg system was the best yet known solution of the question of intemperance. The evidence up to February last was satisfactory on the side of the Gothenburg system. Since then, however, he had received further information. A Supplementary Report had been received from Sir Francis Plunkett, Her Majesty's Minister at Stockholm, which was satisfactory as to Sweden. It stated—

"I hear from all quarters that the system continues to be in Sweden as completely satisfactory as ever."

As to the returns of drunkenness and pauperism, the Report pointed out that the weak point of any attempt to deal with the statistics of Sweden lay in the fact that the Gothenburg system at present had no control over beer and wine drinking, which had been growing, and had unfortunately even affected women—a perfectly new thing in Sweden. In Sweden the sale of beer was not under Government control, and there was no Excise Duty on beer or malt; but the whole movement of opinion in Sweden and Norway was to bring beer and wine

under control as well as spirits, which were formerly the great national cause of intemperance. Passing next to pauperism, Sir Francis Plunkett referred to a pamphlet circulated by the Secretary of the County Brewers' Society. According to those crudely stated statistics, it would seem as though Sweden was in a bad state with reference to pauperism; but Sir Francis Plunkett had inquired of the Statistical Department, and had found that the reason of the great increase since 1887 was due to the Returns being now made out on a different basis from formerly. He had been informed also that in Norway medical relief such as was granted in our hospitals and dispensaries constituted pauperism; and, therefore, if our pauper statistics were treated on the same basis, they would soon mount up. Pauperism, it was further pointed out, existed in Sweden to a certain extent; but, as compared with the large British towns, the condition in Sweden was remarkable for the absence of any number of hungry and needy poor. All the Despatches from the Consuls and the Vice Consuls in Sweden continued to be satisfactory. Sir Francis Plunkett made this very significant statement—

"In no place where the Gothenburg system of licensing had been introduced is any desire expressed to go back to the former state of things."

He admitted that the corresponding Report from Norway was not a satisfactory one on the surface. Though the Consul General had sent a Report to the Foreign Office, which was on the whole unsatisfactory and disparaging to the system, he doubted whether they should be able to accept it as representing the real facts of the case. Last year the Consul General published a new edition of *Murray's Guide to Norway*; and if their Lordships compared the statements made in that book with those in the Report a year afterwards, it would be seen that there were some discrepancies not easy to account for. The Norwegian Government had recently forwarded to the Foreign Office a refutation of the Consul General's Report, describing it as being in a deplorable degree inconsistent with the facts, and, on the whole case, giving an entirely misleading conception of the later working of the Norwegian institution. The Burgomaster of Bergen, a Member of the Norwegian Parliament,

and Minister of the Government Department in charge of Licensing, bore out the view as to the value of the Gothenburg system and the untrustworthiness of the Report. The leading British residents in Norway were at the present time drawing up a Petition to the Foreign Secretary asking him to withdraw the Report from circulation. He had, besides, a considerable body of testimony from Burgomasters, police officials, ecclesiastics, and other representative men in Norway, as well as that of the eminent American specialist, Dr. Gould, who had been sent over on behalf of the Washington Labour Department as President of a Commission to inquire into the conditions of labour in the great manufacturing countries of Europe. Dr. Gould had been studying the Gothenburg system, and his Report to Congress spoke strongly in favour of the system, described its beneficial effects, and stated that any failure was due rather to defects in the existing law—referring to what had been so frequently mentioned—the absence of control over the sale of beer and wine. The net result of the evidence in regard to the working of the Gothenburg system was decidedly favourable to it, and the system now stood in their Lordships' presence, so to speak, in a stronger position by far than it occupied in 1879, when it was first recommended by the Committee of their Lordships' House—far stronger even than in February last. Passing to the provisions of the Bill itself, he explained that the Licensing Authority was untouched by it. With regard to the adoption or rejection of the system, why should not that be left to the people of the locality? It was felt that the burden of responsibility would be too heavy to place on the shoulders of the Licensing Magistrates, but why should not the County Councils have the right of adoption or rejection placed on their shoulders? The reason which decided them against that was the great desire to keep the County Councils free from any connection with the liquor traffic. They wished to keep the County Councils away from drink issues, and, therefore, they came ultimately to the conclusion that it was best to leave the decision to the people who were, after all, most affected—to those who enjoyed the local government franchise. It was not easy to find any method of deal-

ing with the subject which was free from difficulty; but, at all events, the authors of the measure frankly proposed to place the question before the people. It would be necessary, of course, to educate them in this matter. They were perfectly aware that the publicans and brewers had considerable advantage in commanding public opinion; but it seemed to them best to meet the public frankly—to trust them and educate them, feeling that when they had considered the question in all its bearings they would give the system a fair trial if it came to them under proper auspices. With regard to authorisation and control of the company, the authorisation rested with the Local Government Board, and the control with the Local Authorities, which were to be largely represented upon the Directorate, and which had also the power of appointing auditors. Besides that, there was the important fact that the system was thoroughly open to public opinion, and those who studied the history of the matter—in Switzerland as well as in Sweden and Norway—would, he thought, be struck by the way in which public opinion was brought to bear upon any defects in the system, and upon those who were responsible for improving and amending it. He now came to the great difficulty which beset not only this Bill, but all temperance reform—the question of compensation. There were those who held the doctrine of the immortality of licences, who said that licences were granted practically for infinity. The opposite extreme, of course, was no compensation. Was there not some solid ground to be found between these two extremes? They did not suppose that they had in that Bill found the best solution of the difficulty. They had endeavoured to find the best working hypothesis or method that they could. Throughout the length and breadth of the country there were vast numbers of persons who simply wanted to do what was just and equitable, if they could see clearly what was just and equitable. They wished to do what was just to the publican and just to the people. As to compensation, they all recognised that there was a reasonable expectation of continuance, and it had been stated that Probate was levied upon the principle that licences might last for ever. Capital had been

invested on this reasonable expectation. On the other hand, could it be said that the law contemplated the existence of mere "tippling" houses, or the tied house system, to the extent to which it had gone in this country? Again, with regard to notice to the licensed victuallers, he pointed out that in Mr. Bruce's Bill of 1871 10 years was made the limit, and since then licensed victuallers had had 23 years' notice allowed to them. Then it must not be forgotten that licences were, after all, the property of the people for the good of the people, and that that lucrative monopoly had to be used and controlled for the benefit of the people at large. The proposal of the Bill was that five years' notice should be given, and that within that period the owners of a licensed house could compel the company to buy them up, just as the company could compel the publicans to be bought out. He did not say that was an ideal solution, but it was, at all events, the most liberal solution of the question at present before the country. It was, at all events, an honest attempt to provide a working hypothesis for the further discussion of this fundamental question. The Bill proposed that clubs should be registered; but as that subject was under the consideration of a Committee of the House of Commons, he did not regard it as an essential part of the Bill. The provision had been introduced because, from all sides, and certainly not least from the licensed victuallers themselves, the promoters were told that clubs were becoming a terrible source of mischief throughout the country. As regarded the reduction in the number of public-houses and the questions of interest and surplus profits, he left the Bill to speak for itself. The scheme came to their Lordships recommended by a Committee of that House. The authors and promoters desired that it should be made as effective and as equitable as possible, and he hoped their Lordships would look beyond the Mover of the Second Reading to those veterans (if he might so call them) in philanthropy, and in Parliamentary and licensing experience who had set their seal to the Bill, to the experience of Scandinavia, and of our own Army, and, above all, to the interests of those multitudes whose lives were so grey, and even ghastly in many instances. Surely their

Lordships would think any attempt to brighten and improve the lives of those multitudes worthy of attention.

Moved, "That the Bill be now read 2^a."
—(*The Bishop of Chester.*)

*THE DUKE OF ARGYLL did not intend to follow the right rev. Prelate into any details of the Gothenburg system. Like other Members of that House he had read a good deal upon the subject and of the evidence in favour of it, and had always thought that, theoretically, there was much to be said in its favour. In particular, it tended to concentrate the responsibility of those who sold liquor and enabled the virtuous feelings of the community to find expression in the management of those houses. If the right rev. Prelate insisted on pushing the Motion to a Division he should certainly not be inclined to vote against it; but he could not help asking him to consider the position of Parliament with reference to the whole question. This was the second attempt, and a most gallant attempt it was, from the Episcopal Bench to rescue this question from the hands of political Parties, and the object seemed to be rather to raise the general principle in that House, and to have the question of liquor legislation fairly debated there. Unfortunately, their Lordships knew that Debates in that House which were not followed by a Division were apt to fail, but on this occasion a special appeal was made to their Lordships which he thought they should recognise. The right rev. Prelate began by directing the attention of the House to the part which it was possible for legislation to take in the promotion of temperance amongst the people. That was a very large and most interesting subject—one of the most interesting social questions which could be debated in either House of Parliament; and it was one upon which there was more difference of opinion than at first sight appeared. He could not quite agree with the right rev. Prelate that the Gothenburg system left personal freedom untouched. That, he thought, could not be said in favour of any legislation which had been proposed on this subject. It certainly would put an end to the freedom of obtaining individual licences; and when a vote was

taken under the Gothenburg system, individual liberty with regard to the sale of drink was unquestionably interfered with. He was not one of those, however, who thought that a fatal objection. Probably, no Member of their Lordships' House entertained a stronger feeling than himself in favour of the general principle of individual liberty, and he ventured to assert that the *onus probandi* in such cases ought always to be laid upon those who wished to restrict individual freedom in any matter of trade and commerce. Still, there was no difficulty in making out a strong case for some limitation on individual freedom in regard to the sale of alcoholic drink. Their Lordships might easily reject the Bill of the right rev. Prelate, but they would not get rid of the subject. The subject was before them and before the people, and, what was more, it was in the hands of the political Parties, and notwithstanding all their efforts, the right rev. Bench would not be able to get it out of the hands of the political Parties. It affected too many votes, and was a burning question in too many cases, and he was not at all sure that this proposal would not increase the irritation and passion in regard to it. There were at the present moment five separate schemes dealing with the liquor traffic before the country.

THE EARL OF WEMYSS said, there were 11 altogether.

*THE DUKE OF ARGYLL said, his noble Friend on the Cross Benches was taking in a number of small local measures, but there were at least five large proposals before Parliament. First of all, there was the existing law, which, though it might require amendment, was founded on a very intelligible principle. Then there were the plan of the Government, the plan of the Bishop of London, the plan of the Bishop of Chester, and the Bill relating to the liquor traffic in connection with the North Sea Fisheries, which, though small in regard to the area of its application, was stronger than any he had seen in regard to the principles involved. That was a Bill which he presumed would pass, because it was backed by the Foreign Office, and it was not merely a municipal or national matter, but a Bill involving principles to which this country was bound by Protocol with foreign nations. All these five schemes were before Parliament, and

they ought to be considered more or less together. One feature common to all the plans was, that each assumed that it was right and practical on the part of Parliament to restrict the liquor trade. Individual freedom was not the principle adopted in any one of those schemes. It was not the principle of the existing law; it was not the principle of the Government plan; it was not the principle of the Bishop of London's Bill; it was not the principle of the Gothenburg system; nor was it, above all, the system which had been agreed upon with regard to the supply of liquor to the fishing fleet in the North Sea. Was there agreement in recognising the principle that the liquor trade should be put on another footing from any other trade? That was the fundamental principle before their Lordships, and upon that question they did not appear to be agreed. Many of their Lordships obviously thought that all legislation on this subject was absolutely useless; and the logical conclusion from that was that it was perfectly useless for Parliament to take any step in the matter at all. At once he would say that he did not agree with that view. Their Lordships had no doubt seen the letter of Lord Grimthorpe in *The Times* of that morning against the Bill; and if they read between its lines, it was plain that that noble and learned Lord was against all restrictions whatever in regard to the sale of drink. That was the feeling of a great many people in regard to this Bill. They said it would not stop drunkenness; then they said it was impossible to make men sober by Act of Parliament; then they referred to the great change which had taken place in the habits of the upper and middle classes, and hoped that change would come about for the working classes also. He entirely agreed in the desirability of that consummation. They all hoped that with change of opinion and change of habit, with more popular amusements, and by individual effort, the working classes might be ultimately weaned from the excessive use of drink. But their Lordships would be more sanguine than he was if they did not think that this consummation was still at a remote distance. It was said by some that excessive eating was as bad as excessive drinking. That was not so; ex-

cessive eating and excessive drinking could not be put on the same footing. Excessive drinking was a nuisance, whereas excessive eating was not. To put excessive eating and excessive drinking on the same footing was to deny obvious facts. In the management of their own estates their Lordships would admit that the prohibition of public-houses on them was a great advantage. On his own estate in Scotland, where he had considerable property on the shores of the Firth of Clyde, it was considered an element in the value of those lands that a leaseholder should be prohibited from selling drink, and a distinct additional value was given to property where no public-houses were allowed. A few years ago a very remarkable case was brought before their Lordships' House in their judicial capacity by a distinguished Member of the House. At first, under the feu charters of his estate, no one was allowed to erect a public-house on the property; but that clause had not been enforced for many years, and after a time a number of houses were devoted to the sale of drink. The proprietor at last said that the houses ought to be closed. The answer to that was, "You have condoned them now for so many years that you cannot shut them up." That case was brought before the Court of Session in Scotland, which held that the proprietor had lost his right to prohibit them; but he appealed to this House, and it was decided that he had not lost his right. He quoted that case to show that owners in the management of their properties were accustomed to recognise that the existence of public-houses was often considered a nuisance to those around, and a source of public inconvenience and danger, and that their absence increased the value of property. With regard to the question whether legislation could affect drunkenness or not, he had himself always gone on the principle that the exclusion of public-houses had a great effect in producing sobriety. He had never given sites for, or sanctioned the opening of, public-houses on certain parishes on his estate. He did not say that the prohibition of public-houses prevented drinking. It did not. He did not want to prevent people drinking in their own houses. What he wanted was to prevent

people drinking in public-houses, for public-houses were centres of temptation. He entirely agreed with the Bishop of London that every public-house was a temptation to a certain class of persons; and that if the number of public-houses were diminished, the chance of drunkenness would also be diminished. He could say that in the particular parish he had mentioned the absence of public-houses had had the best possible effect. Drunkenness was hardly known there. True, it happened to be an island, and could therefore be more easily defended, as the people could only get drink from Glasgow, but he believed that drunkenness was comparatively unknown in that parish. It was denied by some that the abolition of public-houses would have any effect in limiting drunkenness, but that, he thought, was a paradox, and it was not the principle of the existing law. The existing system recognised the principle of local discretion in restraint. It aimed at the limitation of drinking, and it allowed Local Authorities to exercise a very large discretion. Licences ought not to be suppressed without some compensation, but he did not think that the right to compensation for public-houses was the same thing as the right to compensation for private property. After all, a licence was a monopoly given to a particular man, and it was an immensely lucrative monopoly. Their Lordships all knew how it added to the value of houses. It increased their value many times over. He certainly could not approve the proposal to take the licensing out of the hands of the Magistrates and place it in the hands of the ratepayers by a Body popularly chosen. It would lead to a great deal of bribery and corruption. If this duty was to be placed upon any Local Body, it should be given to a Body chosen not for that purpose alone. He could not conceive anything worse than the constant agitation, leading to wholesale bribery and corruption, if this power were given to Bodies without any judicial control or any control except of the *plébiscite*. His own impression was that it would not act in favour of temperance. It might do so in certain parishes or wards; but to take the case of a large city like Glasgow, divided into a number of wards, the result would be one action in one ward and another in others. A

greater source of confusion he could not conceive. That was his great objection to the Bill, among others, into which it was not necessary then to enter. That was the proposal in the Government Bill. The noble Earl opposite (the Earl of Kimberley) said the other night that he would vote for the Bishop of London's Bill because it contained the principle of local option.

THE EARL OF KIMBERLEY : No ; I think I said that it involved the principle of popular control.

***THE DUKE OF ARGYLL** said, that local option and local control were much the same thing. He had a great objection to the term local option, because it was very ambiguous. There was nothing of fair play or fair consideration in the Government Bill ; it depended upon the will and decision of a mere majority of the ratepayers whether public-houses should exist or not. There was to be either total suppression or nothing. He believed such a Bill as that would never pass in this country. He certainly hoped it never would pass, because in the regulation of restrictions there ought to be some regard to legal rights for vested interests and for the feeling of classes who might not be represented by a bare majority of the people. There was more justice in the present Bill than in the Government measure. Passing to the Bill, which, he supposed, would certainly pass that House, as it was drawn up by the Foreign Office—the North Seas Fisheries Bill—that was a confession on the part of all the countries interested that free trade in drink was a great danger.

THE EARL OF KIMBERLEY : That Bill is coming on to-morrow, and I would ask if it is in Order to discuss it now ?

THE DUKE OF ARGYLL said, he was not going to discuss it ; he was only discussing the principle of it—restriction. He imagined that would not be made a contentious matter on any side of the House.

THE EARL OF KIMBERLEY : I hope not.

THE DUKE OF ARGYLL believed it would not, as the noble Marquess had himself proposed it.

***THE MARQUESS OF SALISBURY :** I think it is of much more ancient date

than that. I believe that early in Lord Granville's career he proposed it.

***THE DUKE OF ARGYLL** said, it was, at all events, a confession not only on the part of individuals but of nations—of Holland, of England, of France, Belgium, and Germany—that the free sale of liquor was a great public danger as regards the sailors of the fishing fleet in the North Sea.

***THE MARQUESS OF SALISBURY :** The danger of shipwreck.

***THE DUKE OF ARGYLL** said, yes ; but there was many a shipwreck on land from this cause. Possibly there was never any Bill which had anything like the strength of that measure. It absolutely prohibited the sale of drink to the sailors of the fishing fleet in the North Sea, who were an enormous body of men. His own belief was that the existing system, with some reforms, was better than any of the changes proposed ; and that if there was to be any change at all, the Gothenburg system was likely to be a better solution of the difficulty than any other. His impression was that the present law, with comparatively few improvements, might be got to work smoothly and to good purpose. They should, however, get rid of the Inland Revenue Licence, for he did not see why there should be two Licensing Authorities. That system could not work well, and he believed that the licences given by the Inland Revenue were a serious impediment in the cause of temperance. He thought that in every locality there ought to be full and complete authority over the granting of licences in that place. Two, at least, of these pending measures involve the principle of a statutory maximum of the population. He did not know how that would work ; but it was a plausible suggestion, and worthy of consideration. There might be imposed upon the Justices in every county a Parliamentary maximum as regarded population. That might be very easily grafted upon the present system. Lastly, the Legislature might empower the raising of a compensation rate. That moderate proposal, he believed, would be a better solution than any other. With regard to the Gothenburg system, he was afraid it was too theoretic and complicated for the English people to be induced to adopt it, as a practical people fond of going from step to step,

and not eager to adopt the ideas of other nations. He thought it would be difficult to import into this country a system which might work more easily in a smaller country like Sweden. If, however, the right rev. Prelate insisted upon going to the vote upon this Bill, he, for one, would not vote against it.

*LORD NORTON said, it seemed to him that no legislation on this subject could possibly succeed upon the principle of restricting liberty. It was impossible to restrict the legitimate use of anything, and what they should direct their efforts to was to prevent abuse. Their aim was to check drunkenness, and that would be best secured by preventing the abuse of the sale of alcoholic liquor. How was it possible for Parliament to regulate the supply of drink required in any particular locality? Nor, on the other hand, could they wait for the influence of education, which had done so much in stopping drunkenness in the upper and middle classes, which many years ago was quite as common as it is now in the lower ranks of society. We had almost led ourselves astray by the phraseology used in reference to this subject. Liquors were not intoxicating except to blockheads, who did not know how to use them properly. As the late Lord Bramwell used to say, "You might as well call water a drowning fluid." To endeavour to prevent the sale or use of intoxicating drinks altogether would be to undertake a senseless task. If their Lordships adopted the principle of confiscation, they were bound also to recognise the principle of compensation; but he held strongly to the view that if a licenceholder conducted his house in an illegal manner, or in a manner that was dangerous to the public, he ought to forfeit his licence without compensation. The Act of 1872 enacted that a tenant's licence after three convictions should be forfeited, and that he should be disqualified from holding a licence for five years. The premises also were disqualified. That was the right principle to carry out. A penalty for abuse, and that alone, would reduce the supply of drink to its legitimate limit. No arbitrary action of the wisest Body in the world could exactly adjust the supply to the demand. A far better method of dealing with the matter would be by introducing a short Bill (which he would be ready to attempt him-

self if necessary) to more effectually carry out the existing Act of 1872 by making the merely discretionary forfeiture absolute. So that *ipso facto* upon a third conviction for either rioting, or drunkenness on premises, or adulteration of drink, the licence would become void, and that which was aimed at would be done. If their Lordships would allow him to try his own hand in the matter, he would endeavour to show that it was possible by a short Act to carry out satisfactorily the existing law of 1872, and so stop the abuse which they all deplored.

LORD THRING pointed out, having drawn the Bill, that it was not a great measure, and certainly did not cover the vast ground which had been represented. It was confined to a very narrow compass, and was simply a Bill for improving the condition of public-houses. It proposed to make them refreshment-houses, and to take away the whole incentive for selling intoxicating liquors by the companies which were to be formed, putting in managers who would be paid a commission on the sale of non-alcoholic liquors only, and would receive nothing on the sale of alcoholic liquors.

*THE MARQUESS OF SALISBURY: Are those the provisions of the Bill?

LORD THRING said, they would be provisions in the Articles which would accompany the Bill if it was passed, and which would be binding on the companies. He admitted freely that no better control than the Licensing Magistrates could be found, but everybody knew there were always difficulties in the way of forfeiting or even of endorsing licences. It was no doubt a serious matter, for a mere endorsement on a licence took £100, £200, or £300 off the value of a house, while the forfeiture of a licence might mean the destruction of property to the value of £1,000 or more. Licences consequently were not, as a rule, either forfeited or endorsed. If their Lordships desired to know whether the control of the Magistrates was sufficient, why did they not have a Return of the number of licences forfeited and endorsed? In either case, they would find that the number was very small. The companies formed under this Bill would get no mercy from the Justices, while the whole incentive to sell intoxicants would be taken away. During the last 30 years the Gothenburg system had

spread over the whole of Sweden and Norway, and the consumption of spirits in Sweden had diminished by nearly one-half, while the spirits now supplied were good and wholesome instead of being, as they formerly were, of the most destructive and dangerous kind. It would be open to each community to adopt the system if it so desired. There was no compulsion. If the measure failed, it would do no harm; but if it succeeded, it would go far to solve the great and serious difficulty of the liquor trade and to reconcile the conflicting interests of the teetotalers, the temperance advocates, and the publicans. He trusted, therefore, their Lordships would give the Bill a Second Reading.

THE DUKE OF WESTMINSTER said, it had been stated that those who embarked in temperance legislation sought to navigate an ocean surrounded in every direction with rocks, and their Lordships certainly had an instance of that the other day in the rejection of the Bishop of London's Bill. In regard to civilising influences which some, and notably the noble Marquess the Leader of the Opposition desired should be left to operate in this matter, they no doubt had been successful among the upper classes, who no longer drank to the extent they did in old times, and he believed that the middle classes were also now more temperate in their habits. It was suggested that the same influences would ultimately prevail amongst the lowest classes, where the greatest amount of intoxication now unfortunately existed, and that legislation was not to be depended upon to anything like the degree in which those civilising influences might be looked to. But many in this country held a firm conviction that, as legislation had effected very much in that direction already by Sunday closing, shortening of hours, and better police supervision, more might still be done. Public-houses were now much better conducted than formerly, and last, but not least, crime had diminished in a very remarkable degree. Of course, there were other influences at work besides Acts of Parliament, as far as crime went; but, still, legislation must be credited with having had a very considerable share in the improvement in these matters. He had never heard that the *Forbes-Mackenzie Act* had proved other-

wise than beneficial in Scotland, or that anyone desired its repeal. Then there was the Welsh Act of 1881, the working of which was inquired into in 1888 by a Committee which reported in favour of the continuance of Sunday closing in that country; and their Lordships had also seen the effect of the closing of public-houses in Ireland. Legislation had effected very much, and he thought more might still be done. The necessity for it was evinced by what occurred in the Police Courts, by the crowded state of our Lunatic Asylums, and by the reports of the clergy and Magistrates, and the public opinion in the matter was shown by the numerous Bills—no less than eleven—which had been brought forward dealing with this most difficult subject. The Gothenburg system was, no doubt, entirely new in this country; but we had the experience of Sweden, where its success had been tangible and undeniable. There was no reason why it should not be successful here. The Licensing Authority would be maintained, and the consent of the ratepayers would have to be got before the machinery could be put in motion. Its adoption would lead eventually to that reduction in the number of houses, which the advocates of temperance consider an essential element in the solution of this question. There would also be a restriction as to hours. This system was advocated by Lord Aberdare, probably the greatest authority upon these matters in their Lordships' House. It was only an experiment; and, as Lord Thring said, no harm would be done if it failed, while a great amount of good would follow if it should succeed. If the Bill were allowed a Second Reading, its provisions as regarded compensation, and in other directions, might be altered. The main principle of the Bill was public, not private, profit; and it was not a sweeping, but a moderate and careful reform.

*THE EARL OF WEMYSS reminded their Lordships that Lord Thring had informed them he drew the Bill. That ought scarcely to be an inducement to them to pass it, because for many years the noble Lord had been drafting measures—from the Irish Land Bill downwards; and most of our recent legislation containing evil principles

had been drafted by his noble Friend. This Bill embodied one of those principles. Had it been earlier in the evening he might have been tempted to enter more fully into the subject, and he would very shortly state his own feeling with regard to the Bill. He might use the words which, at the most eventful period in the lives of the right rev. Prelates, they were supposed to utter, no doubt, with much sincerity—*nolo episcopari*. His first objection to it was that it proposed to introduce a new system in this country from a country where the drunkards were 44 per 1,000 of the population, whereas the drunkards here were only in the proportion of five per 1,000. Further, this Gothenburg system only applied to spirits; but in this country drunkenness was not so much due to spirits as to beer. In Gothenburg, however, the beerhouses were called “temperance houses.” Had the promoters of this Bill considered what effect it would have on the Revenue? Millions were raised annually for the Army, Navy, and Civil Services of the country by the Licensing Taxes, taxes which the people of the country, as a whole, would not be sorry to see increased. Under this Bill, however, his impression was that the money now raised by licensing would have to be raised by heavy taxation, weighing upon all alike, and this in the hope of making a few men sober who now got drunk. He hoped the right rev. Prelate would give the House some information as to the effect on the Revenue what he proposed on that point. This was a proposal which the House ought not to sanction, and he hoped that the Second Reading would not be assented to. He thought, however, that the legislative proposals of the right rev. Prelate stood out in admirable contrast with the proposed legislation of Her Majesty's Government on this question, by which they hoped to catch the Alliance Vote. In the legislation of the right rev. Prelate there was something like justice, something like Christian feeling shown in dealing with publicans. The principle of compensation was admitted. They were not looked upon by him as pariahs, and told to go to Jericho if they chose, which was the feeling of the Alliance people and the Rev. Price Hugheses and the Lawsonites, who viewed with indignation the proposal to grant publicans compensation.

The Earl of Wemyss

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of KIMBERLEY): My noble Friend behind me did not certainly give any great encouragement of the Bill passing into law, because I observed that he said it is a Bill which would not attract the support either of teetotalers or publicans. If that is the case, the chances of the Bill becoming law are, I fear, extremely small. My noble Friend referred to the literature dealing with the success of this system in Sweden and Norway. I have read the bulk of this literature, but am entirely unable to form a conclusion upon it. The opinions are so conflicting, and the conclusions drawn from the statistics are so diverse, that I confess they leave me without really any sound conviction on my mind. On the other hand, no doubt there is something attractive in this proposal; and the Committee, of which I was a Member, and of which the noble Duke on the Cross Benches was the Chairman, reported that they would be glad to see an experiment tried in this direction. That is an opinion which I have no doubt has had some effect upon those who have brought forward this Bill. Another point I should like to mention is this: Your Lordships will observe that the surplus profits under the Bill are to be applied to public objects—to recreation grounds, to libraries, to pensions for old age, or, indeed, anything that the Local Government Board may approve of. There is a clause providing that the Local Authority is to appoint one-third of the directors. It is alleged by some of those who do not believe in the great results claimed for Sweden and Norway as regards sobriety that the desire of the population to get the money which can be obtained over the 5 per cent. dividend for the purpose of applying it to those public objects, that it would neutralise the effect of this system; and that if you put one-third of the representatives of the Local Authority upon the Board of Directors, their interest would be directly to get as large an amount as could be obtained from the sale of liquors. It is not necessary, of course, that there should be representatives of the Local Authority appointed, but I point out that as part of the scheme of the Bill. I quite agree with my noble Friend the Duke of Argyll

that there is something rather undesirable in entertaining this scheme in the present position of matters. My noble Friend on the Cross Benches went to some extent into the question of the Government Bill. I need hardly say that I should not consider myself justified in discussing that Bill now, as it has been proposed, and is before the other House. I do not think this Bill, as far as I can judge, would be entirely inconsistent with the Government Bill. If the two measures were wholly inconsistent, it would be impossible that I could in any way give encouragement to this Bill. My feeling in the matter is precisely that of my noble Friend on the Cross Benches. I sincerely hope the right rev. Prelate will be content with the discussion which has taken place to-night, and that he will not press the matter further. If it should happen that the right rev. Prelate desires to press it to a Division, I feel, on the whole, as a Member of the Committee which reported that the experiment should be tried, that I should not be justified in voting directly against the principle of the Bill. In saying that, I must add that I think, if ever the principle of the Bill comes to be translated into a law, it would have to be very carefully considered as regards details, and that the details in this Bill would not be those which, in my opinion, would work well. I think we might be justified in asserting so much as this: that this Gothenburg system deserves favourable consideration, and might possibly be tried as an experiment. Beyond that I cannot go, and I must say there are provisions in this Bill which, though they are introduced by my noble Friend Lord Thring, who is a most excellent draftsman, he would find would not work satisfactorily if they became law.

*THE MARQUESS OF SALISBURY: My lords, I am in the unusual position of agreeing almost entirely with all the noble Earl opposite has said. I am much puzzled with this Gothenburg system. All the witnesses appear to be bent on contradicting each other, and therefore it is impossible that we can form any opinion upon the materials put before us as the basis of this proposed legislation. On the other hand, the Bill attracts my sympathy in some respects. It is a very liberal Bill in the matter of compensation, and it therefore avoids the great rock on

which most of these Bills split. It contemplates no injury to private property or private interests; but I doubt very much whether it is a temperance Bill. My opinion is very much that of the noble Earl opposite, that supposing you could find companies who could undertake the great financial burden—which I exceedingly doubt there would be—you would find more liquor sold, though probably it would be of a better sort, and it would be consumed under more civilised conditions. I do not think the right rev. Prelate is so well acquainted with companies as perhaps are other Members of your Lordships' House, or he would find that not only would there be the one-third of the directors pressing the sale of drink in the interests of the Municipality, but that the other directors also would be pressed forward by their shareholders who desired their dividends, and they would all be desirous of selling the greatest quantity of liquor they could. I am aware that the dividend is limited to 5 per cent., but, still, the shareholders would wish to enjoy even that 5 per cent.; and after the liberal compensation which they would be paying, and the consequent comparative limitation of houses, they would have difficulty in earning that 5 per cent., and they could only earn it by pressing the sale of intoxicating liquors. At first philanthropic consideration would prevent their doing so; but you would find, possibly, that the philanthropic and religious persons would sell out, and that other shareholders would take their place, and the company would become a commercial undertaking like any other. So that, in place of the efforts of the publicans, who are comparatively powerless under existing circumstances, you would have the efforts of a great and powerful company pressing in every way to the utmost the sale of intoxicating liquors. Therefore, I have considerable doubt whether the Bill would ensure the estimable objects which the right rev. Prelate has in view. I agree with the noble Earl opposite that the right rev. Prelate had much better, in view of the fact, as we all know, that such a Bill cannot possibly pass into law during the present Session, not to press it to a Second Reading. If he does, I should not vote against it, but I should do so on the distinct understanding that it is only on account of the peculiarity of the procedure

of Parliament we cannot investigate a Bill until we have read it a second time, but I do not think it ought to go a stage further without being referred to a Select Committee to examine into all these questions.

On Question, resolved in the negative.

BARBED WIRE FENCES BILL.

Reported from the Standing Committee with further Amendments: The Report of the Amendment made in Committee of the Whole House and of the Amendments made by the Standing Committee to be received on Monday next; and Bill to be printed as amended. (No. 131.)

BURGH POLICE (SCOTLAND) ACT (1892) AMENDMENT BILL.—(No. 95.)

Reported from the Standing Committee with further Amendments: The Report of the Amendments made in Committee of the Whole House and by the Standing Committee to be received on Friday next.

RAILWAY SERVANTS (HOURS OF LABOUR) BILL.—(No. 73.)

Reported from the Standing Committee without further Amendment: The Report of the Amendments made in Committee of the Whole House to be received on Thursday the 15th instant.

COUNTY SURVEYORS (IRELAND) BILL [H.L.].—(No. 86.)

Reported from the Standing Committee without further Amendment: The Report of the Amendments made in Committee of the Whole House to be received on Thursday next.

SEAL FISHERY (NORTH PACIFIC) BILL [H.L.]

A Bill to provide for prohibiting the catching of Seals at certain periods in Behring's Sea and other parts of the Pacific Ocean adjacent to Behring's Sea—Was presented by the Lord Rosebery (*E. Rosebery*); read 1st; and to be printed. (No. 132.)

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 1) BILL.—(No. 105.)

Read 3^a (according to Order): An Amendment made; Bill passed, and returned to the Commons.

The Marquess of Salisbury

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 3) BILL.—(No. 106.)

Read 3^a (according to Order), and passed.

COMMONS REGULATION PROVISIONAL ORDER (WEST TILBURY) BILL.—(No. 104.)

House in Committee (according to Order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Thursday next.

TREASURY CHEST FUND BILL.—(No. 111.)

House in Committee (according to Order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Thursday next.

CANAL RATES, TOLLS, AND CHARGES PROVISIONAL ORDER BILLS.

Message of the House of Commons of the 9th of May last with respect to the following Bills, namely:—

Canal Rates, Tolls, and Charges Provisional Order (Leeds and Liverpool Canal) Bill;

Canal Rates, Tolls, and Charges Provisional Order (Navigation of the Rivers Aire and Calder) Bill;

Canal Tolls and Charges Provisional Order (Birmingham Canal Navigations) Bill;

Canal Tolls and Charges Provisional Order (Grand Junction Canal) Bill;

Canal Tolls and Charges Provisional Order (Warwick and Birmingham Canal) Bill;

considered according to order:

Then it was moved That a Committee of Five Lords be appointed to join with the Committee of the House of Commons, as mentioned in the said Message (The Chairman of Committees); agreed to: The Lords following were named of the Committee:

E. Lauderdale.	L. Lamington.
E. Camperdown.	L. Brassey.
E. Northbrook.	

Ordered, That such Committee have power to agree with the Committee of the House of Commons in the appointment of a Chairman:

Then a Message was ordered to be sent to the House of Commons, in answer to their Message of the 9th of May last, to inform them of the appointment of the said Committee by this House.

House adjourned at twenty minutes before Eight o'clock, to Thursday next, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 6th June 1893.

QUESTIONS.

THE MOMBASA RAILWAY SURVEY.

VISCOUNT WOLMER (Edinburgh, W.): I beg to ask the Under Secretary of State for Foreign Affairs when the final and complete Report of the Mombasa Railway Survey will be presented to Parliament?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir E. GREY, Northumberland, Berwick): The Report has, as I have already stated, been presented, and will be distributed as soon as the maps, the preparation of which has caused a slight delay, are ready.

PORTMAHOMACK HARBOUR.

MR. A. C. MORTON (Peterborough): In the absence of the hon. Member for Ross and Cromarty (Mr. Weir), I beg to ask the Secretary for Scotland whether he has received a communication from the Convener of the Portmahomack Harbour Committee, drawing his attention to the fact that the herrings shipped at that place for the last five years have only averaged 3,439 barrels per annum; that during the five years ending 1867 the average was 17,317 barrels per annum, shipped from an average of 120 boats; and stating that this depreciation has arisen solely from the want of accommodation to suit the increased draught of water of the boats now in use; and whether such steps will be taken to improve the condition of Portmahomack Harbour as shall restore the fishing industry of the town?

THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton): I have received the communication referred to, and have obtained a Report from the Fishery Board, who state that this is one of the many harbours which require improvement in the interests of the fisheries, but that they have no funds that are available. The money at their disposal has been spent, amongst others, on the harbour of Balintore, in the same County of Ross as Portmahomack, and within a few miles of it. The cost of re-constructing the harbour at Portmahomack, so as to provide accommodation for the modern type of fishery boat, is estimated, in a Report which has been laid before me, at £4,000, and, under present circumstances, I see no prospect of the requisite assistance being granted.

THE MOGADOR CONSULATE.

MR. FORWOOD (Lancashire, Ormskirk): I beg to ask the Under Secretary of State for Foreign Affairs whether it is the intention to transfer the Consulate at Mogador to Casablanca, and appoint a Vice Consul at Mogador; and whether, in view of the facts that British trade with Mogador amounts to nearly half of the total trade between Great Britain and Morocco; that the distance between Mogador and Tangier, the residence of the British Minister to Morocco, is double that from Casablanca, involving more responsibility on the British Representative at Mogador; and that there is also a very large district south of Mogador, in which the Consul at that port has to exercise a supervision over British interests, Her Majesty's Government will restore the Consulate at Mogador, and in any appointment made select an officer of long experience capable of holding the usual Consular Court and dealing with the difficulties frequently arising in connection with British interests in that district?

*SIR E. GREY: It has been decided, after full consideration of the subject with Sir West Ridgeway, that it will be more advantageous to British interests to establish a Consulate at Dar-el-Baida, under which there will be a Vice Consulate at Mogador. The officers selected for the two posts have the requisite experience and knowledge of the country, and it is confidently anticipated that the

new arrangement will be preferable to that which it replaces. I may say that the statement in the question as to the proportion of British trade with Mogador to the total British trade with Morocco does not correspond with the figures in possession of Her Majesty's Government nor with those in such publications as the *Statesman's Year-Book*. I am, however, to add that any representations which the right hon. Member has to make on the subject will be forwarded to Sir West Ridgeway for his consideration.

THE HAMPSHIRE FRIENDLY SOCIETY.

MR. JEFFREYS (Hants, Basingstoke): I beg to ask the President of the Board of Agriculture whether he is aware of an error in the Report of Mr. W. E. Bear to the Royal Commission on Labour, where he writes in paragraph 60, on p. 86, with reference to the amount of invested capital of the Hampshire Friendly Society, that the capital at the end of the year amounted to £11,077 in the Assurance Branch, whereas the actual amount was £111,077 in 1891, and £115,949 in 1892 in the Assurance Branch in addition to the other invested capital; and what steps can be taken to correct this error?

*THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. H. GARDNER, Essex, Saffron Walden): I believe that the facts are as stated in the first paragraph of the hon. Member's question, and that the figure given in Mr. Bear's Report is the result of a printer's error. I have communicated with the Royal Commission on Labour with regard to the matter, and I understand that the correction will be noted in some suitable portion of the printed proceedings of the Commission.

THE "LABOUR GAZETTE."

MR. BANBURY (Camberwell, Peckham): I beg to ask the President of the Board of Trade in what manner the advertisement pages of the *Labour Gazette* are conducted; and if he will take steps to prevent a Government undertaking interfering with private enterprise?

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside): The advertisements in the *Labour Gazette*, as in other Government publications, are arranged for by the Stationery Office under the directions of

Sir E. Grey

the Treasury, and the Board of Trade has nothing to do with them.

MR. BANBURY: Then can the right hon. Gentleman the Secretary to the Treasury give me any information?

[No answer was given.]

WALSALL BLUECOAT SCHOOL.

MR. TALBOT (Oxford University): I beg to ask the Vice President of the Committee of Council on Education whether he is aware that in the Blue Coat School of Walsall the fees charged are 3d., 4d., and 6d., and the subjects taught of an advanced character, and that a large proportion of the scholarships at Queen Mary's Grammar School in Walsall are gained by boys educated at the Blue Coat School, so that the school may be fitly described as a higher grade school; whether the schools have invariably earned a very high grant, of part of which they have been deprived under the 17s. 6d. limit; and whether, if this be so, he still adheres to his determination to prevent the school managers from charging the fees authorised by Section 4 (1) of "The Elementary Education Act, 1891"?

THE VICE PRESIDENT OF THE COUNCIL (Mr. ACLAND, York, W.R., Rotherham): The facts mentioned by the hon. Member are substantially correct. What the managers of the school now claim is that they shall be allowed to retain the high fees which they have hitherto charged, and at the same time receive some £300 a year in addition from Imperial sources. In view of the fact that the school has hitherto found no financial difficulty in giving this high class education, I do not consider that it would be for the educational benefit of the district that fees should be exceptionally sanctioned. It would be better if the school were free. I may add that the voluntary contributions to the school have been steadily diminishing for the last four years; were they kept up to a higher level the school would not suffer from the 17s. 6d. limit.

THE NEWFOUNDLAND LOBSTER FACTORIES.

MR. A. C. MORTON: I beg to ask the Under Secretary of State for the Colonies whether his attention has been called to a Petition which was presented

to the Newfoundland Assembly by Mr. James R. Hayes in March last, claiming inquiry and compensation with regard to the closing of his three lobster factories in 1891 by Sir Baldwin Walker, and which inquiry had been refused on the ground that it was an Imperial question; and whether the British Government will inquire into the matter?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Mr. S. BUXTON, Tower Hamlets, Poplar): The Petition has not been brought before the Secretary of State officially, but it appears from the newspaper which my hon. Friend has handed to me that in the winter of 1891, after the *modus vivendi* had been in force for a year, and while negotiations for its renewal were in progress, Mr. Hayes, as he alleges, was induced to erect these factories by a reassuring telegram from the Colonial Prime Minister. His claim for compensation was, therefore, rightly made against the Colonial Government. He has no claim against Her Majesty's Government, as the factories were built after the *modus vivendi* had been entered into, and, therefore, with full knowledge that the right to build them was in dispute.

VACCINATION.

*MR. HOPWOOD (Lancashire, S.E., Middleton): I beg to ask the Chancellor of the Exchequer by what authority the Board of Customs make the following requirements a condition precedent for the appointment of boatmen, &c., who are in other respects fit for the nomination they have received, namely—

"Have you had the small-pox? When were you last vaccinated?"

It is understood

"that a candidate who has not been successfully vaccinated within the last seven years will be refused admission to probation by the Board of Customs";

is there any law compelling re-vaccination; when was the practice adopted; and, in the absence of any law, will he use his influence to abolish indirect compulsion to a medical remedy not unanimously approved of?

THE CHANCELLOR OF THE EXCHEQUER (Sir W. HARCOURT, Derby): I consider that it is very desirable that persons, whether in public or domestic service, should be protected from small-pox, both for their own sakes

and for those by whom they are surrounded. I should certainly, for the safety of my own family, desire that those who live in my house should be vaccinated, and, if necessary, re-vaccinated; and I am not prepared to recommend a different practice in the Public Service. The Order as to vaccination has been long in force. The Order as to re-vaccination is dated 1881. I do not intend to deal with either of them.

*MR. HOPWOOD: Will the right hon. Gentleman say if it is enforced in the higher ranks of the Service? Can the Chairman of the Board of Customs be called on to forfeit his position for neglecting to comply with the condition?

SIR W. HARCOURT: I do not know, but I should strongly recommend the Chairman of the Board to be re-vaccinated.

*MR. HOPWOOD: In consequence of the sportive replies of the right hon. Gentleman, I beg to give notice that I shall call attention to this matter at the earliest possible moment, and point out that the condition referred to in my question is unjustifiable.

MR. LONG (Liverpool, West Derby): I beg to ask the Secretary of State for the Home Department whether the Interim Report of the Royal Commission on Vaccination concerning prosecutions for contumacious refusal to carry out vaccination was a spontaneous one on the part of the Commission, or whether it was a reply to a question addressed to the Commission from the Government; and whether he has any reason to believe that the Royal Commission considered the question to be one of urgency requiring to be dealt with before their Report was presented on the whole matter submitted to them?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): The hon. Member in the first paragraph of his question asks me information as to what took place in the time, and, as he suggests, at the instance of, the late Government, of which he was himself a Member. I have no official knowledge on the subject; but I find that on February 29, 1892, Mr. Ritchie, the President of the Local Government Board, of which the hon. Member was Secretary, stated in this House that he had communicated

with the Commissioners and had learnt from them that the matter would receive their consideration. As to the second paragraph, the Report speaks for itself. The Commissioners unanimously state that they have arrived at their conclusions quite independently of the question whether vaccination should continue to be compulsorily enforced, and I cannot conceive why they should have presented their recommendations, as they have done, in an Interim Report, unless they thought the matter one of urgency, fit for immediate legislation, and entirely independent of the larger questions submitted.

MR. HOPWOOD : I beg to ask the Secretary to the Local Government Board if his attention has been called to an inquest held at Uttoxeter on the 17th of May, concerning the death of Thomas Henry Nash, a child nine weeks old, and the verdict of the jury that death was attributable to pyæmia or blood poisoning from vaccination?

THE SECRETARY TO THE LOCAL GOVERNMENT BOARD (Sir W. FOSTER, Derby, Ilkeston) : The Local Government Board have obtained copies of the depositions taken at the inquest, and have sent them to the Vaccination Commissioners, whose practice it is to investigate any case of the kind referred to. The verdict of the jury was that Thomas Henry Nash

"did die from pyæmia, after 24th day of vaccination, and, from the medical evidence, such pyæmia would most probably arise from the vaccination having run together and caused much matter and inflammation."

***DR. MACGREGOR (Inverness-shire) :** Is the hon. Gentleman aware that blood poisoning may arise from any surgical operation, however skilfully performed?

SIR W. FOSTER : Yes, Sir; any slight abrasion of the skin may lead to pyæmia equally with vaccination.

COALING ARRANGEMENTS AT KEYHAM.

MR. FORWOOD : I beg to ask the Civil Lord of the Admiralty if the plans for the new coaling arrangements at Keyham have been completed; and if he will arrange for their being made accessible to Members of Parliament to inspect before the Naval Works Vote is submitted to the Committee of the House?

Mr. Asquith

THE CIVIL LORD OF THE ADMIRALTY (Mr. E. ROBERTSON, Dundee) : The plans of the new coaling arrangements at Keyham are in abeyance, pending the consideration of the new scheme for the extension of the dockyard, which may involve some modification of the plans in question.

WAR OFFICE CONTRACTS.

MR. FORWOOD : I beg to ask the Financial Secretary to the War Office if the War Office, before sending invitations to persons to tender for war material, adopt measures to ascertain the competency of the persons so invited to execute the work in a satisfactory and efficient manner, and whether it is the practice of the Department to accept the tender which is the lowest as regards price from one of the selected firms, provided in other respects it complies with the form of tender and specifications?

THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. WOODALL, Hanley) : Full inquiries are made as to a firm first applying for a contract; and, if their price is satisfactory, trial orders are generally given, increasing in amount until the firm has approved itself equal to the requirements of a large contract. It is the practice to accept, from among approved firms, the tender of the firm which offers at the lowest price, provided the rate of delivery is satisfactory; but the Secretary of State reserves to himself liberty to divide the order if he thinks it desirable to keep two or more firms at work. In the case also of exceptional warlike stores, on the efficiency of which much may depend, the experience in the past with the firms which compete is taken into account as well as the price.

POLYNESIAN LABOUR IN QUEENSLAND.

MR. S. SMITH (Flintshire) : I beg to ask the Under Secretary of State for the Colonies whether his attention has been drawn to the statements of the Government Agent at Brisbane, published in the recent correspondence relating to Polynesian labour in the Colony of Queensland, wherein are contained statements against the missionaries; whether his attention has been drawn to a letter which appeared in the *Westminster Gazette*, on 26th May, from Mr. A. K. Langridge, the representative in this country of the

leading missionary referred to, in which he refutes the alleged charges, and gives explanation of the matters which he states to have been misrepresented by the Government Agent; and whether the Government will make inquiry into the truth of these charges brought by their Agent against the missionaries?

MR. S. BUXTON: I am aware of the statements made by the Government Agent, and I have seen the letter from Mr. Langridge. I am glad to have seen Mr. Langridge's letter, and I trust it will be found that the Government Agent—who I may observe is the Agent of the Colonial Government and not of Her Majesty's Government—has been mistaken as to the other facts, as well as the reported abandonment of their posts by two missionaries. Copies of Mr. Langridge's letter will be sent to the Governor of Queensland and to the High Commissioner, and Mr. Langridge's letter and their replies shall be published in the next Paper given to Parliament.

THE CASE OF MR. DUNFORD

MR. THEOBALD (Essex, Romford): I beg to ask the Postmaster General the number of clerks on the staff of the Central Telegraph Office who were appointed before Mr. Dunford; whether the officer who was pensioned from the Controller's Office was an Assistant Superintendent; why Mr. Dunford was not made an Assistant Superintendent; what were the duties performed by the pensioned officer that could not be equally and satisfactorily performed by clerks years senior to Mr. Dunford; and whether the Controller claims to totally disregard seniority and set aside the ordinary tests of fitness?

THE POSTMASTER GENERAL (Mr. A. MORLEY, Nottingham, E.): The number of telegraphists now in the office who were appointed before Mr. Dunford is 605. The answer to the second, third, and fourth questions is that the officer pensioned from the Controller's Office held the rank of Assistant Superintendent, and there is no intention of filling up his vacancy at present. The fifth question implies that promotions in the Controller's Office are made by the Controller. This is not the case. I am alone responsible for all promotions.

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GORTAVEHA NATIONAL SCHOOL.

MR. DANE (Fermanagh, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland is he aware that, upon the night of the 22nd May, the National school at Gortaveha, County Clare, was broken into, as also the presses therein, and that a large number of books and maps were destroyed; has any person been arrested in respect of this outrage; and have the local police any clue to the perpetrators?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): It is a fact that on the night of the 22nd May the National school in question was broken into and a number of books and maps destroyed. No arrest has been made, but the police, who have strong suspicions as to the perpetrators, are investigating the matter.

FLAGTOWN NATIONAL SCHOOL.

MR. DANE: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland is he aware that upon the 22nd of April last the manager of the National school at Flagtown, County Clare, gave notices of dismissal to both the teachers; and was there any ground of complaint against these teachers or either of them; and, if not, will the Commissioners of National Education in Ireland hold an inquiry upon the subject with the view to their re-instatement?

MR. J. MORLEY: I am sorry I cannot answer this question, but the Commissioners of National Education inform me that they cannot identify this school. They are not acquainted with it.

THE POLICE AND THE ROYAL WEDDING.

MR. JAMES STUART (Shoreditch, Hoxton): I beg to ask the Secretary of State for the Home Department, in view of the fact that the Metropolitan Police received three days extra leave on the occasions of the official visit of the Shah of Persia, of the celebration of Her Majesty's Jubilee, and of the recent visit of the German Emperor, whether he will grant a similar extra leave to members of the Force during the present year, in connection with the opening of the Im-

perial Institute and the forthcoming Royal marriage?

MR. ASQUITH: It would be premature to come to any decision upon this subject at the present moment, but the matter will be considered when the proper time arrives.

PRESTON GRANGE COLLIERY AND FIREBRICK WORKS, EAST LOTHIAN.

MR. A. C. MORTON: I beg to ask the Chancellor of the Exchequer whether he is aware that the Preston Grange Colliery and Firebrick Works, East Lothian, have been ruined and closed by the royalties and wayleaves taken by the Crown and others; whether he is aware that about 250 workmen have been thrown out of employment thereby; and whether he will reduce the royalties in the interests of the trade and business of the country?

SIR W. HARCOURT: I have been in communication with the Commissioners of Woods and Forests, and with the Official Liquidator of the Company, and am satisfied that, so far as the Crown is concerned, the failure of the Company is not in any way due to the payment of royalties. The royalty is a small one, and the average for the last seven years has been equivalent to about 2½d. per ton. The total amount paid to the Crown since 1875 has been about £5,100. The debts of the Company amount to £63,000.

PRECAUTIONS AGAINST CHOLERA.

MR. H. S. FOSTER (Suffolk, Lowestoft): I beg to ask the Chancellor of the Exchequer if he is aware of the fact that the Council of the Association of Municipal Corporations, representing nearly every Municipal Corporation in the Kingdom, passed a resolution at their last meeting expressing the opinion that the expenses incurred by a Local Authority in taking special precautions to prevent the introduction of cholera should be defrayed out of the Imperial Exchequer; if he is prepared to reconsider his refusal to render such assistance to Local Authorities out of the Imperial Exchequer for the above purposes; and whether, in the alternative, the Government will afford the House an early opportunity of discussing this subject?

MR. HENEAGE (Great Grimsby): I beg, at the same time, to ask the right

Mr. James Stuart

hon. Gentleman whether he is aware that the Council of the Association of Municipal Corporations have passed a resolution to the effect that, in their opinion, the expenses incurred by a Local Authority in taking special precautions to prevent the introduction of cholera should be defrayed out of the Imperial Exchequer; and what steps have been taken to provide the Seaport Sanitary Authorities with hospital ships free of charge by the Admiralty?

SIR W. HARCOURT: When a deputation came to see me on behalf of the Ports asking me to undertake the payment for precautions against cholera out of Imperial funds, I stated that the demand would certainly be made not on behalf of the Ports alone, but of all Municipal Authorities. This is what has happened, as I predicted. I have nothing to add to what I stated to the deputation.

MR. HENEAGE: My right hon. Friend has not answered the second part of my question.

SIR W. HARCOURT: I am in communication with the Admiralty on the subject, and I hope that it may be found possible to do something in the matter.

MR. HENEAGE: Has the right hon. Gentleman seen the conditions under which the Admiralty propose to lend hulks? Is it possible for Local Bodies to accept them? Can he do anything in that direction?

SIR W. HARCOURT: I have not seen the conditions. I will do what I can to press the matter on the attention of the Admiralty.

MR. H. S. FOSTER: Will the right hon. Gentleman say if the Government will afford the House an early opportunity of discussing this question?

SIR W. HARCOURT: There is one thing which the Government very much want, and that is money; but there is another thing which they want still more, and that is time.

MR. H. S. FOSTER: I beg to give notice that I will take the earliest opportunity of calling attention to the subject. I now beg to ask the President of the Local Government Board what steps his Department have taken, or are taking, by way of precaution against any importation of cholera into this country?

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. H. H. FOWLER, Wolverhampton, E.): During the outbreak of cholera last autumn, and subsequently, the Local Government Board have carefully considered all practicable precautions against the introduction of the disease into this country. There will be no relaxation in the action of the medical staff of the Local Government Board, and I am quite satisfied that they are doing everything that is within their power to safeguard the health of the country.

MR. H. S. FOSTER: Have any recommendations been made to the Port Sanitary Authorities as to the steps they should take to prevent an outbreak of cholera?

MR. H. H. FOWLER: The Medical Inspectors have been making examinations, and advising all the Port Sanitary Authorities during the past few months.

*MR. GIBSON BOWLES (Lynn Regis): When the right hon. Gentleman says that the Medical Officers are doing all that can be done, does he mean that they are doing nothing whatever except to recommend steps to be taken at the expense of the Local Authorities?

MR. H. H. FOWLER: That is an argumentative question.

THE WEST COAST OF SCOTLAND FISHERIES.

MR. BIRKMYRE (Ayr, &c.): I beg to ask the Secretary for Scotland whether he is aware that complaints have been made that the protection afforded to fishermen on the West Coast of Scotland against the depredations of the steam trawling vessels is inadequate; will he be prepared to furnish a Report of the watching operations of the sea police boats for the month of May; and whether he would sanction the enrolment of selected fishermen as special constables for fishery service, their remuneration to be paid from fines exigible on conviction from the offenders?

MR. A. C. MORTON: On behalf of the hon. Member for Ross and Cromarty, I beg to ask the Secretary for Scotland whether he is aware that the last Report of the Fishery Board for Scotland states that at the present day the *Vigilant*, which is an old sailing cruiser, is not worth the money which she costs to keep up, and that she

should be superseded by a steam vessel; and whether it is the intention of the Scottish Office to remove this sailing ship; and, if not, will he explain on what grounds?

SIR G. TREVELYAN: The Government will have to consider, before next year's Estimates, the advisability of providing, in the place of the *Vigilant*, a steam launch such as is owned by the Fishery Board of the County of Lancaster for similar services as those performed by the *Vigilant*.

GREENWICH AGE PENSIONS.

MR. KNATCHBULL-HUGESSEN (Kent, Faversham): I beg to ask the Chancellor of the Exchequer whether he has had under his consideration the Report of a Committee of the House of Commons, presented last year, upon the subject of the Greenwich Age Pensions; and, if so, whether he has arrived at any decision in reference thereto?

SIR W. HARCOURT: I must ask for more notice of this question.

MR. KNATCHBULL-HUGESSEN: I will put it down for Monday.

INSOLVENT IRISH UNIONS.

MR. ROSS (Londonderry): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland what Poor Law Unions in Ireland are in an insolvent condition; and in how many of these cases have the Boards of Guardians been dissolved, and paid officials appointed to act in their stead?

MR. J. MORLEY: If by the expression "Poor Law Unions in an insolvent condition" the hon. Member means Unions in which the liabilities of the Guardians are at present in excess of their liabilities, I have to say I am informed by the Local Government Board that it would not be possible for them to state what Unions are in that position at this moment, as very few of the accounts for the six months ending in March last have been audited. Only one Union is at present under the management of Vice Guardians.

MR. ROSS: Has the right hon. Gentleman any objection to giving the names of the Unions whose cheques their bankers have refused to honour? That is what I want to know.

MR. J. MORLEY: Personally, I have no objection. I will inquire of the

Local Government Board if the information can be obtained.

MR. BODKIN (Roscommon, N.): Is it calculated to restore the solvency of a Union to dismiss the representatives of the ratepayers, who gave their services gratuitously, in order to employ officials who have no knowledge of the district, and have to be paid out of the rates?

MR. SEXTON (Kerry, N.): Was the appointment of Vice Guardians in the Tralee Union due to the insolvency of that Union?

MR. J. MORLEY: I cannot answer that, but I understand that Union is now in a fairly satisfactory condition.

MR. ROSS: Is it not a fact that in every case in which Vice Guardians have been appointed instead of elected Guardians to manage insolvent Unions, that insolvency has ceased to exist?

MR. J. MORLEY was understood to reply that usually the Vice Guardians did place the Union finances on a sounder footing.

INCOME TAX REBATES.

MR. DIGBY (Dorset, N.): I beg to ask the Chancellor of the Exchequer whether the Surveyors and Collectors of Taxes have the sanction of the Government in insisting on the payment in full of Income Tax without allowing for the rebate in respect of allowances and losses incident to the agricultural depression, thus necessitating the inconvenience and trouble of claiming a return of the proportion to which the Government were really not entitled?

SIR W. HARCOURT: I must ask for longer notice of this question; it was only put down last night.

MR. DIGBY: Friday.

SMOKE NUISANCE (METROPOLIS) BILL.

MR. BURNIE (Swansea, Town): I beg to ask the President of the Local Government Board whether his attention has been drawn to a case in the High Court of Justice on the 9th ultimo, "*Cowper v. Lord Stratheden and Campbell*," in the course of the hearing of which it transpired that the late Lord Stratheden and Campbell had left the control of his Smoke Nuisance (Metropolis) Bill to the Duke of Westminster; and whether he will take any steps with the view to the passing of such Bill into

law; or if he will consider what other measures can be adopted for lessening the smoke nuisance in London?

MR. H. H. FOWLER: In the Report of the case to which the hon. Member refers it is stated that in the will of the late Lord Stratheden and Campbell there is a clause to the following effect:—

"The control of my Bill on smoke abatement, which has been sanctioned by the House of Lords and gone since through accurate revision, I venture to leave to the Duke of Westminster and his coadjutors."

I have no further information with reference to this bequest. I cannot undertake to bring in a Bill during the present Session for dealing with the smoke nuisance.

CHOLERA ABROAD.

MR. HENEAGE: I beg to ask the Under Secretary of State for Foreign Affairs whether the Government have received any reliable information as to the re-appearance of cholera at Hamburg and other places having trade relations with British seaports; and, if so, what steps have been taken by the Foreign Office to insure special precautions being taken by the Local Authorities in this country?

***SIR E. GREY**: The only official information we have about cholera at Hamburg is that there has been one case, which ended fatally on the 27th of May, but there is good reason to believe that the origin of this case is not known, that it was isolated, and that there has been nothing else of a suspicious character. We have also heard of the existence of cholera in Brittany, but not to any extent, which deserves the name of epidemic. Any instructions as to precautions to be taken in this country are issued by the Local Government Board.

THE BEHRING SEA FISHERIES.

MR. GIBSON BOWLES: I beg to ask the Under Secretary of State for Foreign Affairs whether, previously to making the agreement with Russia, as to the western portion of the Behring Sea (embodied in Lord Rosebery's Despatch of 3rd May, and Mr. Chichekine's reply thereto of 22nd May, 1893), which provides that British subjects shall be forbidden to exercise their right peaceably to navigate and to fish the high seas, and shall be made liable to search and capture

by Russian cruisers, Her Majesty's Government have obtained any reparation for or any sufficient explanation of the seizure by Russian cruisers, in July last, of six British vessels on the high seas, and the captivity and inhuman treatment of their crews?

*SIR E. GREY: This matter has been referred by the Russian Government to a Special Commission, and it is understood that they have now made their Report, and that a communication will shortly be received from the Russian Government on the subject. The present Provisional Agreement with Russia was made expressly without prejudice to the rights of vessels, which were seized last year by Russian cruisers, and I must also point out that the present agreement is bi-lateral and not uni-lateral as the hon. Member seems to suppose.

In reply to a further question by Mr. GIBSON BOWLES,

*SIR E. GREY: The answer of the Russian Government has not yet been received; it was therefore distinctly stated that nothing in the Agreement was to prejudice the rights of British vessels seized last year.

THE EAST NOTTINGHAM ELECTION.

MR. KEIR-HARDIE (West Ham, S.): I beg to ask the Solicitor General whether his attention has been called to an article in *The Pall Mall Gazette* of 5th June, in which the Postmaster General is alleged to have won the seat by means of bribery; and whether, in the interests of purity of election, he will cause the charges therein made to be fully investigated?

MR. ASQUITH answered the question in the absence of the Solicitor General. He said: Parliament has provided a special procedure for the investigation of all matters relating to the conduct of elections. I understand that some months after the General Election an application to the Court was made by the defeated candidate, Mr. Finch-Hatton, based on allegations similar to those contained in the newspaper referred to, to re-open the Petition in East Nottingham, and that the Court made an order that, subject to notice being served on the sitting Member, the time for payment of the deposit should be enlarged. I understand that no such notice was served, and no

further action was taken. In these circumstances, I do not think that anything has occurred which calls upon the Public Prosecutor to take action in the matter.

MR. SEXTON: May I ask whether the appearance of an article in a newspaper is sufficient justification for a Member of the House putting a question in this form. Does it entitle him to make a charge in this form against a Member of the Government or any hon. Member of the House?

*MR. SPEAKER: Questions are repeatedly put from statements which appear in newspapers. The hon. Gentleman was, no doubt, actuated by honourable motives in putting the question; and I cannot say that the question itself is out of Order, as the statement has appeared in print.

MR. T. M. HEALY (Louth, N.): Seeing that there is a legal way of dealing with these matters and resort was not had to it, is a Member of this House entitled to put, in the form of a question, any charge a newspaper may make? I would urge that he is not.

*MR. SPEAKER: Of course, with that I entirely agree. But, the statement having been made in the newspaper, it is competent to the hon. Gentleman to put a question with reference to it. But it is quite irregular to re-open a question which has practically been settled.

MR. DARLING (Deptford): Is it not perfectly open to the right hon. Gentleman to take proceedings in the same way as others of Her Majesty's subjects?

MR. ASQUITH: That is a question which the hon. Member is quite as capable of answering as I am.

MR. KEIR-HARDIE: May I ask the Postmaster General whether he will indict the newspaper in question for a breach of Privilege?

MR. SPEAKER: That is entirely a question for the right hon. Gentleman.

FRANCE AND THE CYPRUS TRIBUTE.

MR. PIERPOINT (Warrington): I beg to ask the Chancellor of the Exchequer whether the whole or any part of the guarantee of France towards the payment of the interest on the Turkish Loan of 1855 is paid out of the Cyprus tribute; what is the amount, if any, and what is the date of the first payment; and whether there is any agreement or

implied agreement with France as to any further payments out of the tribute?

*SIR W. HARCOURT : England and France are joint guarantors of the loan of 1855, the interest on which is now paid out of the tribute from the Island of Cyprus. Since 1882 no payment to France has been made; no occasion has arisen for such payment, and none is likely to arise.

MR. PIERPOINT : The right hon. Gentleman has not answered my question as to the date of the first payment?

*SIR W. HARCOURT : I have stated that in 1882 was the first and only payment to France. No payment can arise if the interest is paid; and the interest is paid out of the tribute.

MR. PIERPOINT : On account of interest, year by year?

*SIR W. HARCOURT : No payment can be made if the interest is paid, and the interest is paid out of the tribute. The payment of 1882 was merely a settlement with France of a certain sum paid by her as the guarantor, before the Cyprus tribute was applied to the payment of the interest.

MR. STANLEY LEIGHTON (Shropshire, Oswestry) : May I ask whether the Chancellor of the Exchequer will be willing to give a Return as to the profit which the British Government has derived from the revenues of Cyprus, which Lord Knutsford stated to be £101,000 a year?

*SIR W. HARCOURT : If the hon. Member wants to know the amount of profit which the British Government has derived from the revenues of Cyprus, he is inquiring about a *minus* quantity; but if his object is to know whether the whole Cyprus tribute goes to payment of the interest on the loan, I may tell him that it does not. There is a small margin after payment of the interest, and that margin goes towards the Sinking Fund.

MR. STANLEY LEIGHTON : Would the right hon. Gentleman give a Return of the amount of money which is paid out of the Cyprus tribute to the English Exchequer to relieve it of its obligation to pay the Guaranteed Loan?

SIR W. HARCOURT : I think the hon. Gentleman had better put the question on the Paper, and I will consider it. I do not think he quite apprehends

the question, or he would not talk of money going into the English Exchequer.

SIR HUSSEY VIVIAN'S PEERAGE.

SIR CHARLES DALRYMPLE (Ipswich) : I beg to ask the First Lord of the Treasury whether it is in accordance with custom that an hon. Member of this House should take part in the proceedings of the House by voting in Divisions, after the announcement has been made that Her Majesty has been pleased to confer upon him the dignity of a Peerage of the United Kingdom?

THE FIRST LORD OF THE TREASURY (MR. W. E. GLADSTONE, Edinburgh, Midlothian) : When it is stated that the Queen has conferred a Peerage on a certain person, the meaning is not that that person is a Peer or that we have made him one; but it means that Her Majesty has expressed her pleasure that proper steps should be taken to bring about his being made a Peer. In the present case there cannot be the smallest doubt about the matter that by usage and by law the presumption that the hon. Gentleman is debarred from voting in this House is a clear and even a gross error. The only authority to which I have had the opportunity of referring on the point is Sir T. Erskine May, who says—

"If a Member be created a Peer it is often the practice to move the New Writ when he has kissed hands, but sometimes not until the patent has been made out or the *recepti* endorsed."

I am not aware whether Sir Erskine May meant to convey, or whether, if he did, he was right in conveying, that the kissing of hands uniformly accompanies the conferring of the Peerage. I have doubt about that, but there is one step which invariably precedes it, and that is the gazetting of the person who is to be made a Peer. Sir Hussey Vivian has not been gazetted, and there is not the slightest pretence for supposing that his status as a Member of this House is in any degree affected, or that his constituents ought to be prematurely deprived of the advantage of being represented by a gentleman of so much experience and in possession of their confidence. Sir Erskine May has not said anything with regard to gazetting; but there is the case of Lord Eddisbury,

who sat until May 15, 1848, although his creation had appeared in *The Gazette* on May 9.

MR. THEOBALD : As the right hon. Gentleman has referred to the last case, which happened in 1848, I would like to know what is the usual etiquette in such cases ?

MR. W. E. GLADSTONE : I cannot say that the case to which I have referred is the last case, and I do not know what is the usual practice in these cases. The Government can make any amount of inquiry as regards this particular case, but there is not the slightest shadow of ground for supposing that there is any doubt about the matter.

SIR C. DALRYMPLE : I was not so foolish as to suggest that the hon. Baronet was disqualified from voting. I simply desired to know whether it is customary for an hon. Member to take part in Divisions of the House after the announcement has been made that Her Majesty has conferred a Peerage upon him ?

MR. W. E. GLADSTONE : I am not aware that there is any custom which should have dictated any difference in the position of my hon. Friend.

RUSSIA AND THE BEHRING SEA.

MR. GIBSON BOWLES : I beg to ask the First Lord of the Treasury when Her Majesty's Government propose to introduce a Bill to empower them to give effect to the Agreement with Russia made last month, that British subjects shall be prohibited from fishing on the high seas in the vicinity, but outside the territorial limits, of the Russian coasts and islands of the Behring Sea ; whether, on the introduction of such a Bill, they will afford due facilities for its discussion ; and whether Her Majesty's Government propose in the meantime to issue orders to English cruisers themselves to capture, or to permit Russian cruisers to capture, any British vessels on the high seas in this part of the world ?

MR. W. E. GLADSTONE : Such a Bill will be introduced, but with regard to procedure it is premature to enter upon the subject.

*MR. GIBSON BOWLES : May I direct the attention of the right hon. Gentleman to the last part of the question, and ask whether Her Majesty's

Government intend to allow Russian vessels to capture English vessels ?

SIR E. GREY : With regard to the last part of the hon. Gentleman's question, I am desired to state that the object of the Agreement with Russia is to lay down certain prohibited zones, within which Her Majesty's Government will waive the right which they have outside territorial waters to object to the prohibition of British vessels sealing. It is, therefore, desirable that the Agreement should be arrived at as soon as possible.

*MR. GIBSON BOWLES : Is the House to understand that before the Agreement has been confirmed by Parliament Her Majesty's Government propose to allow the Russian Government to seize English vessels on the high seas ?

*SIR E. GREY : The right to object to seizure on the high seas is one which Her Majesty's Government are entitled to decide whether they will exercise or not. The object of this Agreement is to come to an understanding, as regards sealing vessels, that that right of objection shall not be raised within the limits of certain prohibited zones.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 5th June.*]

[FOURTEENTH NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 3 (Exceptions from powers of Irish Legislature.)

*MR. BUTCHER (York) said, he desired to move, as an Amendment, the insertion in the 6th sub-section, after "treason-felony," of the words "conspiracy and combination," this referring, of course, to such conspiracy and such combination as was criminal. This question of the Law of Conspiracy was one of extreme importance, inasmuch as it affected in a very intimate manner one of the most important social discoveries of modern times—namely, the principle of combination, which had been applied to labour and trade disputes, and, in Ireland especially, to agrarian difficulties. There

had always been great difficulty and considerable delicacy in dealing with the subject. The object of the law ought to be to reconcile the interests of the individual on the one hand with the interests of certain classes of the public on the other. The subject should be considered by a Legislature in which all classes would be fairly and impartially represented. He did not say there should be no change in the law; but if they were to have an adequate protection of the minority in Ireland they must have that change sanctioned by the Imperial Parliament. And if the making of a law upon this subject was difficult and delicate, so was its administration. English Judges as well as Irish Judges had found that to be the case. If his Amendment were accepted the administration of the law would be placed in the hands of two Exchequer Judges, who would be appointed by the Imperial Parliament. That would be a great advantage, not only to the Irish Judges who might be called upon to administer the law, but to the public who would be concerned to see that it was properly administered. He hoped he would not receive from the Government the stereotyped answer, that they desired to leave to the Irish Legislature matters exclusively Irish. This Law of Conspiracy was not an exclusively Irish matter, and any alteration in it would affect Her Majesty's subjects, whether resident in England, in Scotland, or in Ireland; it would affect all those who had trade or other dealings with Ireland. It was essentially an Imperial matter that steps should be taken to insure that equal justice was meted out to all classes of Her Majesty's subjects, and in this particular case it appeared to him that there were certain special grounds which made it eminently desirable that the subject should be reserved for the Imperial Legislature. Let them consider who were the men who would wield the powers given to the Irish Legislature, and how they were likely to wield them. He desired as far as possible to avoid personalities; but this was a matter on which it was impossible entirely to exclude the personal element from their consideration. The Nationalist Leaders were not ignorant of the Law of Conspiracy; the complaint was that they knew a great deal too much about it.

Mr. Butcher

Many of them had been engaged in conspiracies which had been held to be criminal, and some of them had been convicted. He would not detain the Committee by going through a list of the conspiracies. Not very long ago several Members of the Nationalist Party were found by a competent tribunal to have been engaged in a conspiracy to obtain the independence of Ireland. That was not a purely Irish matter. A large number of them were also found to have been engaged in a conspiracy, by means of coercion and intimidation, to promote an agitation against agrarian rents with the object of expelling the "English garrison." That, again, was not a conspiracy which dealt with a purely Irish matter. Members of the Irish Party had been proved by the Law Courts in Ireland to have been guilty of conspiracy in connection with the somewhat notorious Plan of Campaign. That was an organisation which had brought great misery and disaster to Ireland, and they would undertake a serious responsibility if they allowed its authors to alter the law on so vital a subject. Then there was the conspiracy of boycotting, which had been the cause of the direst disaster and deepest misery to Ireland. It had been characterised by the most cowardly and detestable crimes; it had been accompanied by intimidation, and it had been found to be illegal, not only by Irish Judges, but by an English Judge, and men had been convicted of that charge by an English jury. If these methods had been employed in Ireland in the past, what could they reasonably look for in the future? Had the Nationalists abandoned their former methods? Had they repudiated their past? He should look with interest to see whether any Nationalist Member expressed contrition for his action in connection with conspiracies in Ireland in the past.

THE CHAIRMAN: The hon. Member is not speaking to the Amendment.

MR. BUTCHER said, he, of course, bowed to the ruling of the Chairman, and he would simply explain that he was dealing with the probable future of Ireland. He did not mean to say the Irish Parliament would do nothing but evil; but, on the other hand, he was far from asserting they would do nothing but good. He thought he had said

enough to show that the minority in Ireland had some grounds for saying that an Irish Legislature, composed, as it necessarily must be, of the Representatives of the farmers and labourers, was not a proper body to be entrusted with powers to deal with matters of conspiracy. In the past conspiracies in Ireland had been almost wholly agrarian; and probably the first action of the new Irish Legislature would be to legalise the Plan of Campaign and to alter the law affecting boycotting.

MR. PHILIPPS (Lanark, Mid): Is the hon. Member now in Order, Sir?

THE CHAIRMAN: I cannot say the hon. Member is at the present time out of Order; but he is trenching very closely upon the ruling I gave just now.

*MR. BUTCHER said, he desired to urge on the Committee that he had advanced a special reason in the case of Ireland why it was not safe to entrust the proposed Irish Legislature with the powers which he sought to reserve. They were told by the Government that they desired, so far as they could, to protect the loyal minority in Ireland; that loyal minority had fears on this subject, which he submitted were not unfounded, and he trusted the Government would not fall back upon the plea generally put forward and say these fears were utterly idle and unreasonable. He would ask the Government to allay those fears by inserting in the Bill words which would prevent the Irish Legislature from dealing with the law of criminal conspiracy and combination.

Amendment proposed,

In page 2, line 6, after the words "treason-felony," to insert the words "criminal conspiracy and combination."—(Mr. Butcher.)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): I think, Sir, a very few words from me will dispose of this Amendment. The interpretation put upon the clause by the hon. Member and his irrelevancy of argument would relieve me of any attempt to deal with his speech. He began by saying he would not indulge in charges against Irish Members, and then proceeded to indulge in them.

*MR. BUTCHER: I said I would endeavour to avoid personalities, but that it was impossible wholly to avoid the personal element in this matter.

MR. J. MORLEY: His argument was not relevant. I do not mean to say that all the hon. and learned Gentleman has said would not be relevant to the 2nd clause; but the Committee has agreed to erect a Legislature to be responsible for the peace, order, and good government of Ireland, and the question raised by the Amendment is whether the power to deal with the law of criminal conspiracy and combination should be excepted. The answer is very simple and very obvious. Nobody could devise a surer means of promoting friction between England and Ireland than to throw upon the Imperial Parliament the duty of making laws upon this difficult, embarrassing, and complicated subject. It would bring the whole fabric to the ground. It would be folly to expect the Irish Legislature or Executive to be responsible for the peace, order, and good government of Ireland if they are to be debarred from making any alterations in the laws of criminal conspiracy or combination, even if new forms of conspiracy and combination should arise. One more remark, and that is as to the ridiculous position in which the Committee would be placed if it should prohibit the Irish Parliament from doing anything to repress criminal conspiracy and combination, which is sufficient to show the absurdity of the Amendment.

*MR. ROSS (Londonderry) said, it was no answer to the Amendment to say that it was absurd and ridiculous, without adducing a word of argument or giving a serious or proper reason. He would like to know what right the Government had to give such an answer, and he would put it to the right hon. Gentleman that the supporters of the Amendment were entitled to some better reply than had been given. He would like to know on what ground any reservations at all were made in the Bill? The loyal minority asserted that, if any subject ought to be reserved, it certainly was the law of conspiracy and combination. The loyal minority entertained two fears. In the first place, that the Irish Legislature might declare certain things to be lawful which were now unlawful; and, in the second case, that certain things

might be declared unlawful which were now perfectly lawful. Having regard to the grave history of the country, it was particularly important to deprive the Irish Legislature of this power. The smallest alteration in the Law of Conspiracy might render the obtaining of rents impossible. If the Plan of Campaign were declared to be a lawful combination, where would the payment of rent be? If that happened there would be no payment of rent over a large portion of Ireland. It was not only agrarian matters they had to deal with, however, for, as his hon. and learned Friend the Mover of the Amendment had pointed out, there were other questions that would most certainly arise. He took no imaginary case, but a case that actually occurred in the past—the case of boycotting a railway at Carrickmacross. There was a house in the town occupied by a certain Magistrate, and from that house he was evicted. The station-master took the house, and immediately the railway was placed under a boycott—cars were not allowed to attend trains, people dare not travel by them, carts could not go near the place with goods, and social order was disorganised, and the town in a state of turmoil until five or six of the ring-leaders were sentenced to short terms of imprisonment, and then this system of tyranny was at an end. If the Law of Conspiracy was to be left to the Irish Legislature they might have a recurrence of all this. It was right he should remind the House of this boycotting of the railway, for this insane method of conspiracy was devised by Irish Members. The Irish Members, in an Irish Parliament, were to declare what was lawful and what unlawful. Would they declare acts of that sort unlawful? Again, let them take the Institution of Freemasonry in Ireland. Was it to be declared unlawful? As it was, it was opposed and denounced by the Roman Catholic Church; every Catholic in Ireland was enjoined not to support it, even to the extent of assisting its charities at a bazaar, for they remembered that the Roman Catholic Archbishop of Dublin (Dr. Walsh) told them that any Catholic who attended it was, *ipso facto*, excommunicated. By the smallest alteration of the Law of Conspiracy that great Society might be rendered unlawful.

Mr. Ross

It held large property in Ireland, and, of course, it would be possible to do as he suggested, and so prevent the Society from holding property. These were the reasons that induced him to come to the conclusion that, if any power was to be reserved from the cognisance of the Irish Parliament, it was that of dealing with the law of criminal conspiracy and combination. The Chief Secretary had given no answer to the argument of his hon. and learned Friend; and he (Mr. Ross) respectfully submitted that the reasons now brought forward should show the Government the necessity of accepting the Amendment.

MR. A. J. BALFOUR (Manchester, E.): I honestly confess, Mr. Mellor, that I am surprised at the manner in which this Amendment has been received by the Government. I had not thought that the Government were likely to accept the Amendment in opposition to the wishes of their Irish allies; but I had thought they would, at all events, treat the matter seriously. The Chief Secretary has attempted to pooh-pooh the Amendment as if it were something absurd. [*Cheers.*] I understand from those cheers that the Chief Secretary's mode of treating the Amendment is accepted and endorsed by hon. Members opposite. Have those hon. Members any recollection of the agrarian history of Ireland during the last 10 years? Are they aware that, by means of illegal conspiracies, established under the authority of hon. Gentlemen whom the Government propose to make supreme in Ireland, the whole political and agrarian controversy has been carried on for many years? Are they aware that by means of these illegal conspiracies private individuals were despoiled of their goods, infinite suffering was caused to unoffending, helpless persons, and the whole of society was disorganised in many counties in Ireland? To hand over the government of Ireland to persons who thought these conspiracies were legitimate methods of Party warfare and to allow them to frame a new Law of Conspiracy would be nothing else than to surrender into their hands their opponents, bound and helpless. Is not that a serious matter? The Chief Secretary argued that because a clause has been passed granting to the Irish Legislature power to make laws for the peace, order, and good govern-

ment of Ireland, no Amendment can be accepted having reference to peace, order, and good government. But that contention cannot prevail, for the Government have themselves already made reservations. The subject of treason and treason-felony, for example, has been deliberately excepted by the Government from the criminal subjects to be dealt with legislatively by the Irish Assembly. This question is important to the United Kingdom as well as to Ireland, because the social order of any part of the Kingdom can never be a matter of indifference to the rest of the country. The Government apparently propose to give the Nationalist Party the power of establishing New Tipperaries over the whole of Ireland. If the originators and architects of New Tipperary were gentlemen of no political weight—if they were persons whose actions were denounced by the leaders of Irish opinion, there would be some justification for the opposition of the Government to this Amendment. But to entrust the manipulation of the Law of Criminal Conspiracy to persons who have offended against that very law is not to deal honestly and fairly by the innocent subjects of Her Majesty, whose property, whose happiness, and, in some cases, whose lives will be affected by the methods in favour with hon. Gentlemen whom the Government are going to make supreme in Ireland. The right hon. Gentleman opposite says that if we withdraw from the Irish Assembly the power of dealing with the Law of Criminal Conspiracy, friction will result between England and Ireland. But will not still greater friction be caused if the Amendment is not agreed to? Supposing the Irish Legislature were to make alterations in the Law of Conspiracy for the purpose of legalising the Plan of Campaign, and supposing that the Lord Lieutenant were to veto those alterations, would there not be more friction than might arise from our preventing the Irish Legislature from dealing with the subject at all? Of all the methods of controlling the Irish Legislature the veto is the method that will cause the most friction; and if it is probable that certain subjects will not be treated properly in the legislation of the Irish Assembly, it is our duty, in the interests of peace and order, to take care that

legislation on these subjects shall not be possible. To the people of this country nothing has seemed more shocking in this Home Rule legislation than the fact that, by it, the Government are entrusting the lives and the property of the minority in Ireland to gentlemen who, whatever their patriotic views may be, have proved to the public that their views upon land questions are not in harmony with the opinions habitually held in this country. The ordinary public, no doubt, realise acutely the injury which they believe will be done to the Empire by this Separatist measure; but perhaps what chiefly causes them to distrust the policy of the Government is the conduct of Irish politicians during the last 10 or 15 years. They cannot understand how the Government can think of entrusting to those gentlemen the formation and administration of the Criminal Law of Ireland. Yet the Government pooch-pooch an Amendment proposed with the object of withdrawing from the Irish Legislature powers which, there is every reason to believe, will, if granted, be abused. It may be that hon. Members below the Gangway, when they have obtained Home Rule, will cease to act in accordance with the principles which have hitherto ruled their policy, and will be willing to punish persons engaged in criminal agrarian conspiracies. But, supposing that they should evince such willingness, will they be allowed to change their policy? They depend for their position on the votes of the small farmers in the South and West, and they will not be able to act in opposition to the lessons which they have taught their constituents, the majority of whom will want them to carry out the views they have been advocating in the past. How will they be able to resist a Bill introduced for legalising the Plan of Campaign? They cannot do it; their speeches in this House and in Ireland will rise up in evidence against them. Whatever their wishes may be, the power of their past over their present would be so overwhelming in such circumstances that they could not by any possibility resist a change having for its object the modification of the Law of Conspiracy in a manner that would put the whole of the landed property in Ireland under the control of the Land League. I desire to say that I regard the Amendment as a

most important one ; indeed, I doubt whether any Amendment of greater importance will be moved during the whole progress of the Bill through the Committee, and I ask the Government to treat it with seriousness.

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian) : Mr. Mellor, if hon. Gentlemen from Ireland who sit below the Gangway possess the fascinating power over the people of this country which the right hon. Gentleman seems to ascribe to them, no one has done more to assist them to acquire that abnormal power than the right hon. Gentleman and his friends by their policy and utterances.

MR. A. J. BALFOUR : My argument was not that hon. Gentlemen below the Gangway would have undue power over the people of Ireland, but that the people of Ireland would prove too strong for hon. Gentlemen below the Gangway.

MR. W. E. GLADSTONE : What we say is, that if hon. Gentlemen below the Gangway should get dangerous, and if they have such a power over the people of Ireland that the people of Ireland will return them mechanically, so to speak, to the Irish Legislature, there would be no person who would have done so much to maintain those hon. Members in an abnormal position of power as the right hon. Gentleman himself. We do not wish to give any abnormal power to hon. Gentlemen below the Gangway. How many of them will be returned under this Bill I cannot undertake to say ; but I am quite certain that more of them will be returned in proportion as the Irish people listen to the speeches delivered by the right hon. Gentleman. The speech of the right hon. Gentleman is really an indictment against the people of Ireland. The right hon. Gentleman has been rather complimentary to hon. Gentlemen below the Gangway than otherwise, for he says that if they exert themselves in a right sense, the power will be taken out of their hands and given to worse men. Who will give the power to worse men ? The people of Ireland. Archbishop Walsh cannot do it. On a recent occasion Archbishop Walsh proposed bi-metallism, but his proposal did not meet with much success. However that may be, the right hon. Gentleman thinks that there are others in Ireland who are

more dangerous and worse than hon. Gentlemen below the Gangway. The only persons who are to have power under this Bill to substitute worse men for hon. Gentlemen below the Gangway are the masses of the Irish people ; and it therefore follows that the masses of the Irish people are the victims of incurable corruption. Do not let the right hon. Gentleman conceal from himself the fact that it is the mass of the Irish people with whom he proposes to carry on a political conflict, or what may be called, not in a sanguinary sense, a civil war. The contention of the right hon. Gentleman is, that there is some plan or other which will involve judicial action under the Law of Conspiracy against the liberty of some portion of the Irish people. Well, I have not heard, either from hon. Gentlemen below the Gangway or from anyone connected with Ireland, that there is any disposition to have in Ireland a Law of Conspiracy different from the Law of Conspiracy in England. The complaint of hon. Gentlemen below the Gangway has always been that the right hon. Gentleman (Mr. A. J. Balfour) has introduced special laws for Ireland, and their demand has been that one Law of Conspiracy should prevail throughout the whole of the three Kingdoms. The right hon. Gentleman concocted another Law of Conspiracy, setting up new offences.

MR. A. J. BALFOUR : No.

MR. W. E. GLADSTONE : Yes. Remember this is a matter of history.

MR. A. J. BALFOUR : No.

MR. W. E. GLADSTONE : The right hon. Gentleman will not allow it is history. I myself heard the Attorney General for Ireland declare that, besides the categorical offences dealt with in the Crimes Bill, there were other offences dealt with in the Bill ; and when the question was afterwards referred to the Irish Attorney General himself he did not deny it. I feel quite convinced that Parliament will deal with the question of conspiracy itself, so as to reduce the Law of Conspiracy in Ireland to what it is in England ; but, at the same time, I cannot admit that the Law of Conspiracy ought to be withheld from the Irish nation. It is absolutely and entirely an Irish question—a question of Irish domestic legislation. The purpose of this Bill is to give to

Ireland the control of her own domestic affairs. This, as I have said, is strictly an internal and domestic question. If the right hon. Gentleman should succeed in withholding from Ireland these internal matters he would insure the revival of a series of Irish Debates in this House after the Irish Legislature had been set up. The question is—are you going to constitute an Irish Legislature or not? If you are going to constitute an Irish Legislature, and to let it pass laws for the peace, order, and good government of Ireland, can you adopt a more suicidal policy, even from your own point of view, than to take out of the scope of that Legislature laws which are necessarily part and parcel of the Local Government of Ireland?

*MR. PLUNKET (Dublin University) said, the Amendment was one that vitally affected those whom he represented in Parliament. It appeared to him that some of the arguments used by the Prime Minister were the strongest possible reasons in favour of the Amendment. The Prime Minister said that if such a provision as this were inserted in the Bill, it would be certain to produce friction between the Legislature of Ireland and the Parliament of the United Kingdom, and to provoke debate in the Imperial Parliament touching Irish matters. The ground of this argument was simply the supposition that the Irish Legislature were likely to make laws on the subject referred to in the Amendment which would bring them into conflict with the Imperial Parliament. That was the very reason why the Amendment was asked for. The Prime Minister in 1886 said that restrictions upon the powers of an Irish Legislature would be necessary for the protection of the minority, because the state of things in which the free play of discussion in a free Assembly is the best security for a minority had not then been reached in Ireland. Had anything happened since 1886 which led them to suppose that it was not still necessary to protect the minority by special provisions such as those proposed in this Amendment? Since then the House had witnessed the operations of the Plan of Campaign, the recurrence of boycotting, and all those other tortures and oppressions to which the minority had been subjected in Ire-

land. Speaking for the scattered minority in the South and West of Ireland, he was bound to point out that even with the advantage of the legislation of the Imperial Parliament and with the advantage of having an Imperial Executive, hardly had the Loyalists escaped with their properties and their lives during the last six years. As to the form of the Amendment, the minority in Ireland had a right to claim that power should not be given to the Irish Legislature so as either to exaggerate the Law of Conspiracy against a minority, or to relax it so as to give an oppressive power to a majority. He believed that if the power of dealing with the matter at all were given to the Irish Legislature it would almost certainly be abused. It was all very well for the Prime Minister to sketch a happy and prosperous future, and to speak with great indignation of the doubts that were thrown on the conduct of the proposed Irish Legislature. But those for whom he (Mr. Plunket) was now speaking could not afford to rely on such optimistic visions. The right hon. Gentleman said it was to the Irish people that this power was to be entrusted. But it was the Irish people who had the power at present, and everybody knew who the men were that the Irish people had returned to the House of Commons. Those men were willing to organise, to support, to defend, and to take credit for those unlawful conspiracies which, by the authority of the law now in existence, had, after great difficulty, been put down, and which, had they continued to exist, would, as was admitted on all hands, have made the life of the minority in many parts of Ireland not worth having. On these grounds he heartily supported the Amendment.

*MR. DUNBAR BARTON (Armagh, Mid.) said, the Prime Minister had stated that the Crimes Act had created a difference between the Law of Conspiracy in Ireland and that in England; but Chief Baron Palles, whose judgments commanded respect in England as well as in Ireland, had stated that the Irish law had not been altered as far as conspiracy was concerned. As a matter of fact, the only alteration that had been made was an alteration in procedure. The Prime Minister said that the Leader

of the Opposition was increasing the power of hon. Members below the Gang-way by the way in which he spoke of them. There were other ways of increasing the power of the Nationalist Members besides bringing indictments against them. One way was to cover them with fulsome flattery, as the Prime Minister had been continually doing during these Debates. Whenever the opponents of the Government brought forward an argument founded on history and on law the right hon. Gentleman got up and asked how anyone could make such suggestions against the Irish people. He (Mr. Barton) thought there was nothing more demoralising to a sensitive people, and nothing that could have more lasting and injurious effects, than the language of unqualified praise in which the Prime Minister was continually referring to the Irish Members. The Prime Minister was mistaken in saying that this question of conspiracy only had to do with Irish affairs, for it had to do also with British affairs, and important British affairs. It was true that, in the main, conspiracies in Ireland had been against landlords; but in view of that fact it surely was not honest to leave the administration of the Land Question at the end of three years to the Irish Parliament. The effect of handing over this administration to the Irish Parliament in this way would be to cause three years of agrarian conspiracy and one year of confiscation, when there would be an end of the matter. The Land Question in Ireland had hitherto always been dealt with by conspiracy, and the Government were now deliberately inviting the Irish Nationalists to deal with it in that way for three years. But there had been other conspiracies in Ireland besides agrarian conspiracies. There had at all times been conspiracies against Great Britain in Ireland—conspiracies against British interests, and conspiracies against the British Government—and there could be no question, therefore, that this was not merely an Irish matter. If the Amendment was not adopted, they would be inviting the Irish people to enter with impunity into conspiracy against Great Britain by telling them that they might alter the law which hitherto had been uniform in the two countries. When Ireland possessed a separate Parliament, not only were there

conspiracies against Britain, but actually conspiracies with foreign enemies of Great Britain. In Ireland, in London, and in Paris the Irish and the French had combined in conspiracy as the common enemies of Great Britain. The Prime Minister, therefore, in asking the Committee to oppose the Amendment on the ground that the question was a purely Irish one, forgot that it was above all a British affair, the majority of Irish conspiracies having been against Great Britain, against British interests, and against the British Government. To refuse the Amendment would be to say—“We authorise you, the Irish people, to make Ireland the place of resort for all conspirators against Great Britain, seeing that for the first time in the history of the country the Law of Conspiracy in Ireland can be altered to suit your views.” The right hon. Gentleman the Chief Secretary met the Amendment by saying that it ought to have been brought forward on Section 2.

MR. J. MORLEY: I said the speech of the Mover of the Amendment ought to have been made on Section 2.

MR. DUNBAR BARTON: Speeches could not be made without a subject. He presumed the right hon. Gentleman had been referring to the question of conspiracy.

MR. J. MORLEY: I referred to the speech of the Mover of the Amendment.

*MR. DUNBAR BARTON said, he was entitled to attach some reason to the right hon. Gentleman's observations, and he maintained that in his observations the right hon. Gentleman was speaking to the Amendment. It was a remarkable fact that frequently when a proposal was made for the amendment of the Bill they were told—“The amendment is premature. This is not the place for your proposal—it should be made on Clause 5 or 9 or 21 or 36.” But now the right hon. Gentleman used the converse argument. He said, “Your amendment is too late—it should have been made on Clause 2.” This showed how vigilant it behoved the Unionist Members to be, and how necessary it was that they should not allow a line of the Bill to pass without careful scrutiny. It had already been shown by the Chief Secretary that they had been a little too scrupulous and brief in discussing Clause 2. [“Oh!”] Yes;

Mr. Dunbar Barton

because the right hon. Gentleman said the speech of the Mover of the Amendment ought to have been made on Clause 2. No doubt, the same argument would be used when other questions arose on this clause. Clause 2, in its language, contemplated exceptions to the legislative powers of the Irish Legislature, and Clause 3 enumerated those exceptions; and he asked were they not entitled to say that this question of conspiracy should come within the exceptions? It would be more dangerous for that law to come under the control of the Irish Legislature than the Law of Treason. It was a more difficult question to deal with in regard to the discovery of crime, giving proof of crime, and bringing it to conviction. The case of Canada was a precedent in favour of those who supported the Amendment. Power in that case had been deliberately distributed between the Central Legislature and the Local Legislatures; but in Section 91 of the Canadian Act Criminal Law and Procedure, including the Law of Conspiracy, was reserved to the Dominion Parliament. Lord Carnarvon, in introducing the British North America Act in the House of Lords, pointed out that this was a wise departure from the system pursued in the United States, where it was competent for each State to deal with the Criminal Code, and where the result was that the law on certain subjects differed in different States. The Criminal Law had been practically assimilated throughout Canada, and the same reasoning and rule should apply in regard to Ireland and Great Britain. If the law were not rendered uniform the two countries would drift apart; at any rate, the Government should give better reasons than those they had hitherto advanced why the Law of Conspiracy should not be assimilated in Ireland—a law which had had a most sombre history in connection with Irish affairs, and which, of all other subjects, should be excluded from the control of an Irish Parliament.

Mr. ARNOLD-FORSTER (Belfast, W.) said, the way in which the Government had treated the Amendment showed how serious they were in the attitude they had thought fit to adopt. They were proposing now to inflict on the loyal minority in Ireland a state of things which no community in England or Scot-

land would tolerate for an hour. He did not know if the Government were sanguine enough to suppose that the people of Ireland were so differently constituted to the people of England or Scotland that they would put up with that which their brethren on this side would repudiate. As to what had been said by the Prime Minister, he need only repeat the ancient maxim that "fine words butter no parsnips." The right hon. Gentleman had told them what fine fellows he believed hon. Gentlemen opposite to be. He had regaled them, as he usually did, with a certain amount of prophecy. But what he (Mr. Arnold-Forster) wanted to know was, not what the Prime Minister's view was as to what the Irish Members were likely to do, but what were the distinct probabilities, from the facts before them, what were the Irish Members certain to do? The three main facts of the situation in Ireland during the past 10 years had been three gigantic combinations or conspiracies, neither of which had come under the head of treason or treason-felony. One of these had been known as the Land League, subsequently called the National League. Another was the Plan of Campaign, and both these combinations had been carried into effect by a third method—namely, that which had made boycotting effective. The Prime Minister had said that this would not occur in Ireland in the future, or that if it did it would be a thoroughly local concern, with which the people of this country would have nothing to do. He (Mr. Arnold-Forster) did not accept the argument which lay at the bottom of that statement, for he held that they in England had everything to do with the condition of their fellow-countrymen in Ireland. Whilst he and his Friends did not impute corruption to the Irish Parliament, they said, and were entitled to say, that what the Irish Members had believed to be right and had defended in the past they would believe to be right and would defend in the future. Speaking with regard to the particular class of combinations which hon. Gentlemen opposite had always defended as in the forefront of their political work, a judicial tribunal had said—

"The leaders of the Land League who combined to carry out a system of boycotting were guilty of criminal conspiracy, one of the

objects of which was, by a system of coercion and intimidation, to promote an agrarian agitation against the payment of rent."

The right hon. Gentleman the Prime Minister had said that was not a matter which concerned this country—

"For the purposes of expelling from the country the Irish landlords who are styled the Irish garrison."

Well, one of the Irish Members opposite, in a speech he had delivered, had said that, as to the conspiracy of boycotting, unless they boycotted they might as well give up the struggle altogether, for they would never be able to put landlordism out of the country, or be able to fly the green flag prominently over Dublin Castle. They had there three facts—in the first place, that the conspiracy was criminal; secondly, that it was undertaken to promote an object which did most materially concern this country; and, thirdly, that, so far from condemning or regretting the conspiracy, hon. Gentlemen opposite were foremost in urging its continuance throughout the length and breadth of Ireland. The tribunal to which he had referred had declared that the effect of the combination upon a section of the people was to induce them to endeavour to carry out the laws of the Land League even by assassination. When it was found that these combinations had been carried on for years, that the object of their promoters was to injure this country, that they were carried out by means unknown to the law, and by methods which led to assassination, he thought it was abundantly proved that they were dealing with matters that greatly concerned Great Britain. And that was not a view held by the Unionist Members only, for in the opinion of the Chancellor of the Exchequer, according to a former pronouncement of his, these conspiracies were intimately and essentially connected with a subject which the right hon. Gentleman the Prime Minister had already excluded from the purview of the Bill. He would remind the House that they had had many other examples of conspiracies of this kind. They had had the Ribbon Conspiracy and the Westmeath Conspiracy, and it was idle to suppose that what had occurred in the past would not happen again in the future. Why, in this matter, were they to accept, upon the *ipse dixit* of the

Mr. Arnold-Forster

Government, that those methods of procedure which had found favour with hon. Gentlemen opposite in the past would cease to find favour with them the moment this Bill passed? If they did not they would inevitably have projects of law brought into the Irish Parliament, with the object of doing away with the penalties which fell upon those who committed actions which at the present moment were illegal. At the present moment it was illegal to conspire to boycott. Hon. Gentlemen opposite thought it was a right good thing to boycott; therefore they would take away the penalty that attached to the crime. The present law said—"You shall not combine to drive the English landlords, or any section of Her Majesty's subjects, out of Ireland." Hon. Members opposite had said over and over again that they not only favoured but desired to promote the conspiracy which had that object. It was only common sense to believe that they would do in the future what they had not only done in the past, but had declared it their intention to do in the future. It was monstrous for the Prime Minister to ask the Committee to believe that almost every statement made by the Irish Members in their speeches in the past was false. Because that was what it came to. The Prime Minister believed the Unionist Members were the most Heaven-forsaken set of people in the world. Why? Because they believed hon. Gentlemen opposite. He saw no path out of that position. They had no right to believe that hon. Members opposite had sworn themselves; and, certainly, further reasons must be advanced by the Prime Minister before the Committee generally could hold the opinion that they had sworn themselves. [*Cries of "Divide!"*] It was certain that if conspiracies such as those which had existed in Ireland prevailed in England and Scotland there would be an end to all law and civilised life in those countries.

MR. WYNDHAM (Dover) said, the Prime Minister had based the refusal of this Amendment on the alleged difference between the Laws of Conspiracy as they existed in Ireland and England. The right hon. Gentleman had urged that the Law of Conspiracy in Ireland was harsher than the Law of Conspiracy in England, and that it would be wrong to refuse to the Irish Legis-

lature the right to assimilate the two laws. If it could be shown that the Law of Conspiracy was the same on both sides of St. George's Channel, that argument was disposed of. The right hon. Gentleman had quoted authority to show that the Criminal Law Procedure Act had created new crimes. The field of the controversy on that matter was small. It had been alleged, when the subject was under discussion, that by making the National League a criminal conspiracy a new crime had been created; but even that contention was denied by such a legal authority as Lord Selborne. Under that portion of the Crimes Act only two persons were imprisoned, and it had been demonstrated that the Law of Conspiracy was the same in Ireland as it was in England. Two men, named, if he remembered rightly, Bellew and Fitzgerald, adopted the practice of shadowing at fairs—a practice which in Ireland was found effectual in intimidating small farmers and bringing them to ruin. These men crossed the Channel to Liverpool and pursued the same tactics there; but they were prosecuted, tried by an English jury, and found guilty.

An hon. MEMBER: For what were they tried?

MR. WYNDHAM: Criminal conspiracy. They, therefore, not only had legal authority for believing that this form of combination was unlawful on both sides of the Channel, but they had the verdict given by an English jury to that effect also. In considering whether or not the law as it existed in Ireland was likely to be relaxed by an Irish Parliament it must be remembered that the Irish Members had been content to go to prison for the political faith that these combinations were ethically justifiable. And it could not be said that it would not be easier for men to make laws in support of their ethical views than to go to prison to show that they held them. It could not be doubted, therefore, that when hon. Gentlemen opposite had the power they would pass laws in support of such systems as the Plan of Campaign. Was he, in saying that, imputing corruption to the Irish people? No; but it had been shown that in the agrarian difficulty of Ireland this ethical view prevailed; and that, to his mind, was the reason why they should

not put it in the power of the Irish Parliament to legalise these combinations. The Irish Members did not believe these combinations unjust. The Unionist Members did believe them unjust. The former were not responsible for the lives and property of the loyal minority in Ireland; the Unionist Members were. Therefore, it would be a great dereliction of duty on their part not to press this Amendment to a Division. [*Cries of "Divide!"*]

MR. H. S. FOSTER and MR. VICARY GIBBS rose.

MR. J. MORLEY rose in his place, and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The Committee divided:—Ayes 306; Noes 274.—(Division List, No. 117.)

Question put accordingly, "That those words be there inserted."

The Committee divided:—Ayes 276; Noes 317.—(Division List, No. 118.)

*SIR H. JAMES moved the following Amendment:—Clause 3, page 2, line 6, after "treason-felony," insert "sedition." He said: As I am confident the Government will be likely to give favourable consideration to this Amendment, I do not purpose occupying the time of the Committee at great length. I think the Government will be favourably disposed towards the Amendment, because they have admitted that the Irish Legislature ought not to deal with the offences of treason or treason-felony; and I presume the reason why the Government have prevented the Legislature of Ireland altering the law with respect to offences which may be committed in Ireland, and, therefore, affect the peace and good government of Ireland, is that the offences of treason and treason-felony would be offences against the Sovereign and against the Imperial Government. You could not have the offence of treason or treason-felony committed against the Legislature of Ireland or as against the Executive of Ireland as a body distinct from the representatives of the Crown and Empire. Well, Sir, sedition, I will submit to the Committee, is exactly in the same class of crime as treason and

treason-felony. It represents any act done, words written or spoken, that shall attack the Sovereign or the Government—that is, the Central Government and not the Government of Ireland. It is, therefore, simply a somewhat diluted form of treason; and, as I have said, treason cannot be committed as an offence directly against the Legislature or the Executive of Ireland, equally I would ask the Committee to accept the view that sedition must necessarily be committed against the same forces against which treason and treason-felony must be committed, and, of course, the Committee will be aware that sedition is a crime of a most insidious character. Out of it treason comes; it forms the first step towards treason; it fosters treason and creates and begets treason. How can it be said, under these circumstances, that the Committee will be willing to allow the Legislature of Ireland to say that sedition shall be no crime? That will be saying that a crime committed against the Sovereign shall be no crime, although it may be a crime committed with the intention of deposing the Sovereign. It will be giving a free hand to anyone who wishes to attack the Central Government and not the Executive Government of Ireland; it will be giving the Irish Legislature power over the general interests of the country, and allowing them to deal with other matters besides those affecting the peace, order, and good government of Ireland. I feel so very confident, from the point of view that it is right that treason and treason-felony should not be dealt with by the Irish Government, that the Government will see the strong force of not allowing the Irish Government to deal with the crime of sedition, and will, therefore, accept the Amendment, that I will not trespass further on the time of the Committee, but move the Amendment.

Amendment proposed,

In page 2, line 6, after the words "treason-felony," to insert the word "sedition."—(*Sir Henry James.*)

Question proposed, "That the word 'sedition' be there inserted."

***THE SOLICITOR GENERAL** (*Sir J. RIGBY, Forfar*): Undoubtedly the crime of sedition does touch closely in some respects on treason or treason-

felony, and in so far as it does verge on treason-felony, or is identical with treason-felony, it is covered by the reservation of treason-felony. The Committee should be reminded that, although sedition may be a crime of the greatest importance, it may, on the other hand, simply mean acts against the peace, order, and good government of the country. In fact, sedition is a word of such a sweeping character that its reservation would greatly embarrass legislation about unlawful assemblies and other matters. It involves so many matters that are intimately mixed up with the preservation of law and order that it would be impossible to distinguish them in a vast number of cases; that to take away from the Irish Legislature legislation on the whole of that branch of crime which is included under the term "sedition" would be to raise questions between the Irish Legislature and the Imperial Parliament at every point, and would almost inevitably render the law uncertain, instead of being—what it should be in regard to crime—as plain as anything can possibly be. Considering that "treason-felony" will cover a great many crimes analogous in their nature to treason and treason-felony, we think that such matters as seditious libel, seditious assemblies, seditious conspiracies, unlawful assemblies, and the whole of that class of crime included in the word "sedition," must be left to the Irish Legislature, and the other class—that is to say, treason and treason-felony—to remain with the Imperial Parliament.

***SIR H. JAMES**: The Solicitor General has given his reasons for refusing the Amendment; but I appeal on the point to the Government, and especially I appeal to my right hon. Friend the Prime Minister. Are we going to allow the Irish Government to say that the offences under the term "sedition," which the Solicitor General described as small offences, shall be no offences at all? The offence may be small in degree, but against whom is the offence? Seditious libel is not an offence against the person; it is an offence against the State, and not an offence against the Irish Government or against the Irish people. It would be just as proper to treat larceny as a small offence if the amount

Sir H. James

stolen were small, and a grave offence if the amount stolen were great. I say the offence is the same, and I say the point is no answer to my objection against handing over to the Irish Legislature the power of dealing by legislation with offences which are against the State, against the Central Government, against the Sovereign, and not against anything in Ireland. Seditious libel cannot be confined to the Irish Government. It must be sedition against the Central Government, and are we to delegate to the Irish Legislature the power of dealing with offences against the State? We know what the Law of Sedition is now. We ask that it should remain as it is, and that if it needs alteration it is this Parliament, and not the Parliament of Ireland, that should alter it. This question affords a real test as to whether we are to give any significance to the supremacy of Parliament. I say the declaration of the supremacy of Parliament will be but a form of idle words, and would be better struck out of the Bill, if you hand over to the Irish Legislature the power of dealing by legislation with crimes which are not crimes against the Irish Government, but crimes against the Crown and State.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): I listened, I confess, with some surprise to the second speech of my right hon. Friend, by which he has considerably raised the temperature of the Debate on what is not, I venture to think, a very serious or even important point. My right hon. Friend has argued that we are proposing to deprive the Imperial Parliament of the power of legislating and exercising its authority in Ireland in relation to seditious offences committed against what he has called the Central Government. But that is not the question before the Committee. The Imperial Parliament, if this Amendment is rejected, will have precisely the same power as they have now to deal with any case of seditious acts which affect the Central Government. The real question is whether you are going to deprive the Irish Legislature of the power of dealing in Ireland with similar acts directed against the Irish Government. I entirely traverse the proposition of my right hon. Friend that sedition in a

country with a Legislature such as Ireland will have is an offence committed only against the Central Government. In one sense it is, of course, true that every offence is an offence committed against the Crown. In English law it is the Crown, and the Crown alone, that takes action. Let me remind my right hon. Friend of a very celebrated case of seditious conspiracy—perhaps the most celebrated in our law-books—I mean the trial of O'Connell in 1844, which ultimately came before the House of Lords. O'Connell was charged with seditious conspiracy, and the indictment contained a very large number of counts. I will give the Committee the substance of two or three of these counts. O'Connell was charged with conspiring to raise discontent and disaffection amongst the liege subjects of the Queen. That is a charge of seditious conspiracy. Is the right hon. Gentleman going to contend that that offence cannot be committed in Ireland by Irishmen connected in a criminal combination against the Legislature and Constitution which are established in that country? I say it can, and I say that the Legislature—such a Legislature as Ireland will have—ought to have the power to deal with that matter. Take another count from the same indictment. O'Connell was charged with conspiring to excite jealousy, hatred, and ill-will between different classes of Her Majesty's subjects. Cannot these offences be committed in Ireland in reference to the legislation and policy of the local Government, and are we to deprive the Irish Legislature of the power to deal with them? I will mention one other count. O'Connell was charged with conspiring to diminish the confidence in the administration of the law in Ireland, and to bring the tribunals by law established into disrepute. Does my right hon. Friend argue that the Irish Legislature is to be deprived of the right of legislating so as to prevent offences directed to bring into disrepute the tribunals administering its own laws? Why, it would not be consistent with legislative autonomy even in the most restricted sense of the word. There are, moreover, offences included in the legal category of sedition which are of a very trivial description—offences connected with riots, unlawful assemblies, breach of the peace, which, by very little legal

ingenuity under particular circumstances, can easily be enlarged into the crime of sedition. Therefore, whatever way you look at it, it is possible, by this Amendment, to deprive the Irish Legislature of the power of dealing with matters having nothing to do with the power or supremacy of the Imperial Parliament; and I trust, therefore, that the Committee will reject it.

Mr. CARSON (Dublin University) said, that if the Amendment were useful for nothing else it was certainly most useful for this—that, by degrees, they were beginning to learn that it was absolutely impossible to distinguish between Imperial matters and local matters. In answer to an Amendment yesterday, dealing with offences on the high seas, they were told by the Chief Secretary for Ireland that they might rest perfectly content that that matter would not come within the purview of the Irish Legislature, because the Irish Legislature, under the same section, would have power only to deal with matters exclusively relating to Ireland or some part thereof. He should like to ask, did the crime of sedition relate only to Ireland or some part thereof; and if it was not a crime relating only to Ireland or some part thereof, he would like to know why the Government refused to accept the Amendment? The Home Secretary assumed to differ with the right hon. Gentleman the Member for Bury; but, really, there was no difference whatever between them. The Home Secretary said that the crime of sedition would probably extend to such conspiracies as were formed to bring the Irish Government into contempt. He was prepared to admit that, but why was it sedition against the Irish Government? Because the Irish Government derived its functions from the Imperial Parliament, and it was in its relation to the Imperial Parliament, and not otherwise, that it became the crime of sedition. The Home Secretary used that argument for the purpose of showing that it was a local matter, and, therefore, within the purview of the Irish Legislature; and he asked, was it not an absurd thing that the Irish Legislature should not have the power to legislate in respect to matters which so directly concerned them? But they did not propose by the Amendment to take away from the Irish Government the

power of dealing with persons who entered into seditious conspiracies. But what they did say was that, as sedition went to the root of offences against the Crown and Imperial Government, it was a matter that should be reserved for legislation exclusively to the Imperial Parliament, and could not in any sense be looked upon as a matter local to Ireland. He was perfectly well aware that in the whole course of Criminal Law nothing could be wider in its application than sedition. He knew that in the case of the Queen against Parnell the indictment contained between 30 and 40 counts; and there was the greatest possible joy when, after the trial had proceeded about 10 days, the 19th count, which related to sedition, was struck out, as it would have enabled the traversers to go into the question of the government of England and the government of Ireland and the entire relations between the two countries. Was not a matter of such far-reaching importance—a matter which was Imperial and not local—a proper matter to reserve exclusively to the Imperial Parliament? He considered the argument of his right hon. Friend the Member for Bury (Sir H. James) unanswerable. So far as sedition was a crime at all, it was a crime against the Imperial Government. The Solicitor General said that sedition might be closely allied to treason-felony. It might, and it might even be necessary in some cases to have in the indictment counts for sedition and treason-felony, or perhaps separate indictments; and he wanted to know who was to decide in Ireland that a particular crime was treason-felony or sedition? The Bill drew the greatest possible distinction as to the way in which the two crimes were to be dealt with. If the charge was treason-felony, the accused would have the right to be tried in the Imperial Courts, and he had the right of appeal to the Exchequer Judges, and even to the Privy Council. On the other hand, if it were a case of sedition, it would not be tried in that Court at all—it would be tried in another Court, and there would be no appeal. He would like to know who was to draw the distinction between the offences? They might have the Irish Attorney General saying—"I claim this man as my prisoner, as an offender against the Irish Executive, because his crime is the

crime of sedition"; and they might have the official, whoever he might be, responsible in Ireland to the Imperial Government saying—"I claim him as my prisoner, and that he be tried in the Imperial Court." Who was to decide between them? There had been considerable talk about friction between the two countries, but there would be no end of friction if these matters were not now made clear. He did not see any way in which matters relating to treason-felony could be placed in one category, and matters relating to sedition in another category, because his idea of sedition was that it was sedition because it was an act against the Crown and Imperial Government, even when directed against the Local Government, which derived its power from the Crown. Sedition, as an offence against the Crown, became analogous to treason-felony. He wanted to know were those matters going to be made clear, or were they going to be left in doubt, to be fought out afterwards? They would have to be determined at some time, and that, in his opinion, was the proper time for them to be determined. Of course, if the Government were determined to resist these Amendments simply because they were moved from the Opposition Benches, the Opposition would have to submit; but it was certainly their duty, on the assumption that the Bill would pass—which was, indeed, making a very large assumption—to point out that the Government were acting unwisely in leaving those matters unsettled, because it meant storing up trouble for the future.

Question put.

The Committee divided:—Ayes 255; Noes 304.—(Division List, No. 119.)

*MR. STUART-WORTLEY (Sheffield, Hallam) moved, in page 2, line 6, after the words "treason-felony," to insert the words "intimidation and unlawful assembly." He said he thought that the subject to which these offences related had met so far with very little respect and less logic from right hon. Gentlemen opposite. These offences belonged to the category of crime which unhappy experience told them had of late years been habitually used for political purposes. It surprised him that in defending their own Bill hon. and

right hon. Gentlemen so seldom thought of saying anything which would lead to the hope that they would ever pay any respect to the public opinion of Great Britain in these matters. He believed, from unhappy and recent experience, that no decision of the Irish Parliament in regard to these matters would ever command confidence in Great Britain. He moved his Amendment for this reason also—that these offences were allied to treason and treason-felony in their nature, and, further, because they did not exclusively apply to Ireland. They had been employed and had frequently tended to drive away from Ireland that influx of English wealth and capital by which alone the prosperity of Ireland could be permanently secured. He knew that to this Amendment, as to the Amendment with regard to the Law of Conspiracy, they would have applied the argument that it involved an indictment against the Irish people. If it did involve an indictment, the indictment would be levelled not against the Irish people, nor even against the Representatives in this House of the Irish people, but ultimately and with the greatest weight against those hon. and right hon. Gentlemen now upon the Treasury Bench who had always rushed forward with excuses, palliation, patronage, and every kind of apology, for those practices dealt with in the Amendment.

Amendment proposed,

In page 2, line 6, after the words "treason-felony," to insert the words "intimidation and unlawful assembly."—(*Mr. Stuart-Wortley.*)

Question proposed, "That those words be there inserted."

MR. J. MORLEY: The hon. Gentleman who moved the Amendment seems to feel that a decision has practically been taken upon it; but he said that, notwithstanding that decision, he intended to take a Division. The hon. Gentleman admits that we are all committed to the proposal that the Irish Legislature should be empowered to make laws concerning the much graver subject of criminal conspiracy, and yet he wishes to take from them the power of dealing with the lesser offences of intimidation and unlawful assembly. I do not think that I need labour the point to any great extent. The Committee have refused to take from the Irish Legislature the power of making laws regarding seditious assem-

blies, and yet we are asked to take away from them the power of keeping order in the streets of Dublin and Belfast. This is really a *reductio ad absurdum*. I must oppose the Amendment.

Mr. A. J. BALFOUR: The only argument the right hon. Gentleman has given the Committee is that because we have already committed a great blunder it is illogical not to commit a smaller one. I think it would be very difficult to prove that intimidation and unlawful assembly are less serious matters than unlawful conspiracy. I am not sure that the blunder that the right hon. Gentleman is now asking us to commit is really the smaller of the two, because I think that intimidation is the means whereby these unlawful conspiracies which have been the cause of so much evil in Ireland have been maintained and carried into effect. I might put this point to the right hon. Gentleman. The right Gentleman has thought fit to abrogate the Crimes Act, and takes credit to himself for now governing Ireland under the ordinary law. Yet, even under the ordinary law, the right hon. Gentleman has felt himself compelled to disperse assemblies brought together for purposes of intimidation. I wish that the right hon. Gentleman would give me a plain answer to the question whether the unlawful assemblies he has to deal with are not in harmony with the public opinion of the district, and whether their action has ever been denounced by the Irish Representatives in this House? If the right hon. Gentleman's answer is in the affirmative, how can he reconcile it with his conscience to leave to the Irish Legislature and to Irish public opinion the manufacture of laws which would concern these unlawful assemblies? For my part, I am utterly unable to understand the attitude of the right hon. Gentleman in reference to this point. I perfectly recognise that the right hon. Gentleman and his colleagues would be glad if these points were not brought before them, because they must have many an uneasy moment in dealing with them. We all know that I could prove over and over again, if I chose to do so, that Lord Spencer, the Secretary for Scotland, the Secretary for War, and the Chancellor of the Exchequer, and every right hon. Gentleman who has had anything to do with the government of Ireland in the

past has always recognised the fact that these unlawful assemblies do meet together for the purpose of intimidation, and in so doing they are only acting in conformity with the public opinion of the districts in which they are held, and are the methods advocated by the Nationalist Members of Parliament. That cannot be denied, and I defy any right hon. Gentleman opposite to deny the fact. In such circumstances is it not monstrous, is it not outrageous neglect of the duty which we owe to the Irish minority, to hand over to the Irish Assembly the power of dealing with the laws which relate to unlawful assembly and to intimidation? Hon. Members opposite know that they cannot touch this question, which their own constituents behind them regard as the great blot upon the Bill; and naturally, therefore, they avoid discussing it. I can tell hon. Members opposite that amongst the many evils connected with this Bill—with which the country was not slowly becoming acquainted—that which is taking the greatest hold of men's minds is that, Ireland being what it is, the Government are deliberately permitting the abrogation of those laws which are necessary to protect the lives and liberties of the loyal Irish minority.

COLONEL SAUNDERSON (Armagh, N.) said, it was only natural that Her Majesty's Government should strenuously oppose this Amendment. The Party to whom Her Majesty's Government proposed to confide the destinies of Ireland was one whose character had been well known for some years, and at one time was certainly well known to the right hon. Gentleman the Prime Minister. That Party had based its policy upon, and had succeeded in its policy, by criminal intimidation. No doubt, Her Majesty's Government had consulted their Colleagues below the Gangway in reference to this Amendment; and possibly those hon. Members, who would form the Government of Ireland in the future, and had been the leaders of the criminal conspiracies in the past, would object to any concession on the part of the Government in the direction of restraining those peculiar habits by means of which they had captured the Liberal Party. It was the duty of every man in that Committee to protest to the best of his ability against handing over the lives and liber-

ties of the people in the West and South of Ireland, a defenceless population, to their hereditary foes. The right hon. Gentleman the Chief Secretary asked them not to deprive the future Government of Ireland of the power of keeping order in the streets of Dublin and Belfast. The people of Ulster knew that the aim and object of this Bill were to place their lives and liberties in the hands of the Nationalist Members, with the natural result that those lives and liberties would be stamped out. The Nationalist Members, if they had the power to do so, would make the Orange organisation a criminal conspiracy and its meetings illegal assemblies. As far as he was concerned, and he thought as far as his Colleagues were concerned, he could express his unbounded satisfaction that the Government had refused to accede to such a reasonable Amendment as this, because it left the Bill stained, in the eyes of every man who cared for liberty and freedom, with a blot which all the eloquence they heard from the Treasury Bench could not wipe away.

Question put.

The Committee divided :—Ayes 192 ; Noes 242.—(Division List, No. 120.)

*MR. STUART-WORTLEY moved the following Amendment :—

Clause 3, page 2, line 6, at end, add " Repeal or Amendment of ' The Explosive Substances Act, 1883.' "

The hon. Member said, this Amendment, to a certain extent, formed part of an Amendment which was discussed the other day relating to dealing with and handling arms and munitions of war and the manufacturing of explosive substances; and as regarded explosive substances the Government opposed that Amendment on the ground that it would have disabled the Irish Parliament from making itself those necessary regulations which must be prescribed in the case of the lawful manufacture, for the legitimate purposes of trade, of explosive substances. That Amendment, however, did not cover many things which the present Amendment did cover, and on that occasion no substantial answer was offered to the contention that the Irish Parliament ought not to have entrusted to it the power of relaxing the law which in the year 1883 was considered so urgent

by this Parliament that, as the right hon. Gentleman who was the author of it would well remember, it permitted it to pass through all its stages at a single Sitting. If he was asked why he said that the Irish Parliament would relax the standard of severity prescribed by that Act, he replied that the Irish Members had given them the fullest and most express indication of their intention of so relaxing it, because they had contended that offences against this particular Act were not to be treated in the category of ordinary crimes. They said that these offences were political offences. It was true, the Home Secretary had maintained the exactly opposite contention, and he moved this Amendment because he wished to leave the subject to statesmen of his fibre and courage, and who had the same well-regulated notions of the distinction which should prevail between the enactments of the Imperial Legislature and those of an Irish Legislature. The Amendment did not interfere with any legitimate commercial manufacture. It dealt solely with those offences which, according to the argument of the Home Secretary, were such that if in open war a man was caught committing them his captors would be justified in hanging him to the nearest tree.

Amendment proposed,

In page 2, line 6, at end, add " Repeal or Amendment of ' The Explosive Substances Act, 1883.' "—(*Mr. Stuart-Wortley.*)

Question proposed, " That those words be there added."

SIR W. HARCOURT : Hon. Members ask that their Amendments should be treated seriously; but it is difficult to treat an Amendment of this kind seriously, and it is impossible to conceive how anyone can move an Amendment of this kind in a serious manner. What is this proposal? You say the Irish Government shall not have the power to repeal the Explosive Substances Act. What is the Explosive Substances Act? It is an Act which punishes persons who use or manufacture explosives for evil or murderous purposes. How can anybody seriously pretend that that is a thing that the Irish Parliament is likely to do? Why do you not put in that the Irish Parliament shall not repeal the Acts against murder? Or against bigamy, or

against forgery? Forgery would, perhaps, more apply.

MR. STUART-WORTLEY : They have not said that murder and bigamy are political offences.

SIR W. HARCOURT : They cannot deal with the Explosives Act in England ; and if it is going to be an offence in Ireland, against whom is this political offence to be ? Why, against the Irish Government, against the Irish Parliament, against whom alone it can be used, and that is why I say the thing is not serious. It is, in fact, so absurd and so ridiculous on the face of it, that it is impossible to treat it seriously. If dynamite is used in Ireland for political purposes, it will be used against the Irish Parliament, and then you suggest the Amendment should be treated seriously. As far as my knowledge on this subject of dynamite goes, these dynamite attempts did not come from Ireland—they came from elsewhere. But when you suggest that when the Irish have got a Government of their own they are going to promote in Ireland, by repealing this Act, the practice of dynamite outrages, I must say it requires a great command of countenance to get up in the House of Commons and suggest it seriously.

*MR. DUNBAR BARTON said, when they remembered what was the historical connection of the right hon. Gentleman who had just spoken with this question, what must be within his recollection, and what was the nature of the Amendment now before the Committee, he thought hon. Members would find it difficult to regard the right hon. Gentleman's speech as a serious one. The right hon. Gentleman had spoken of the Explosives Act of 1883 as "his offspring," and no doubt the right hon. Gentleman was the undoubted parent of that measure. He held in his hand the speech of the father of this Bill upon the occasion of its birth on April 9, 1883. In introducing the Bill on that occasion, the right hon. Gentleman (Sir W. Harcourt) referred to the gravity of the subject, and appealed to the House to postpone all the other business to enable the Bill to be passed through all its stages. He referred to the urgency of the Bill, and asked the House to pass it through all its stages at one Sitting. That was the way in which the Chancellor of the Exchequer regarded this subject in April, 1883.

Sir W. Harcourt

SIR W. HARCOURT : So I do now. It was a serious matter, and not only do I think the Irish Parliament would not repeal it, but, if necessary, they would suspend the Standing Orders of the House in order to pass it.

MR. DUNBAR BARTON thanked the right hon. Gentleman for emphasizing what he was going to say. He reminded the House that Ireland was the only part of Her Majesty's Dominions in which there had recently been dynamite explosions. There had been, within recent recollection, directed against the Imperial Government, three different explosions of dynamite in that part of Her Majesty's Dominions, and yet the Chancellor of the Exchequer said this was not a serious matter. ["No, no !"] There was something which had occurred within the last three days which would tell the right hon. Gentleman what was the feeling in Ireland with reference to this matter. What did they see in the newspapers of that morning ? At a meeting of the Dublin Corporation it was proposed to present an Address of congratulation to Members of the Royal Family with reference to an approaching event. [*Cries of "Question !"*] It was the question. It was a direct answer to the right hon. Gentleman's statement that there was no necessity or urgency for dealing with this matter now. What occurred ? The Sheriff of the City of Dublin (Mr. Clancy), in the course of the debate on the matter, asked the Corporation not to present that Address, because, among other things, the men who were in prison for dynamite explosions had not been released ; and he went on to state that the Home Secretary had, in the most callous manner, declared that the Government would not amnesty those prisoners. It was no answer to say that some or all of these prisoners were not actually convicted under this Act. Whether they were charged under this Act or not, or whether they were convicted under this Act or not, they were connected with these offences. Was it not a grave circumstance that in the Corporation of the City of Dublin, an official of that body, one who presumably would hold an important position under any Irish Government, brought forward such an argument successfully, and the Corporation refused to present an Address to Members of the Royal Family because, among other things, those dynamite

prisoners were not amnestied? Was there no seriousness in that matter? He said that if it was a serious matter in 1883, it was also a serious matter now. Recent events and recent words of Irish Nationalists showed it was an important matter. What could be done by an Irish Legislature if they were not restrained by this Amendment? If these men were not amnestied, the Irish Parliament would consider themselves justified, no doubt, in repealing or altering the provisions of this Explosives Act. The Chancellor of the Exchequer had forgotten that he had described certain things as grave in 1883, and that he then refused to trust to the Irish Nationalist Party. He tried then to induce the House and the country to believe that this was a serious question. The Amendment was a serious one, for it was directed not merely to the protection of the Irish minority and the Imperial interest, but to the defence of every tradesman and householder.

SIR W. HARCOURT (Derby) : Householder!

*MR. DUNBAR BARTON said, yes; to the defence of every man, of every person who had property that could or might be destroyed by explosives. Why, the present law on explosives had been the defence of every householder in London and Great Britain, of every man who had property that could be destroyed by explosives. They had heard this matter argued from the point of view of trade, and it had been suggested that this Amendment would be an unreasonable restriction on Irish trade. Would it not be possible that, in the interest of the trade of Dublin, they would have a factory for the making of explosives? Could not the Act be repealed, and the factory started in the apparent interest of trade? If that were done, they would have planted in Ireland the means of destroying the homes and endangering the lives of British subjects on this side of the Channel.

MR. T. W. RUSSELL (Tyrone, S.) said, although he felt strongly on the subject, he would not have spoken but for the speech of the Chancellor of the Exchequer, who, in arguing that dynamite could be used in Ireland only against the Irish Parliament, assumed that there was going to be only one Ireland in the future. Dynamite had been

used in the past against the English Government, who had surrendered to it; but there was a party in Ireland who had not the least intention of surrendering to it. The dynamite convicts would be released, and it was possible they might turn their attention from English to Irish people; and that was why they objected. That the Chancellor of the Exchequer, who once went about in peril of his own life, should pooh-pooh this danger to others was about the last thing he expected to hear.

MR. A. J. BALFOUR: I do not want to prolong the Debate. I only rise to point out that the answer to the Chancellor of the Exchequer's question why the exclusions were not made to include legislation on bigamy is that we have no reason to suppose that Irish sentiment on the subject of bigamy differs from English sentiment.

SIR W. HARCOURT: Or in pocket-picking.

MR. A. J. BALFOUR: Quite so. But can the right hon. Gentleman say that Irish sentiment on the subject of dynamite does not differ from English sentiment? Both the right hon. Gentleman and his Colleagues have said that Irish sentiment—not merely sporadic sentiment, but organised sentiment—entirely differs from the sentiment that prevails in England. Hon. Gentlemen below the Gangway have urged the release of the dynamite prisoners. In doing so, they have said, with truth, they have a strong objection to enforcing political opinions by the use of dynamite; but they know the persons whose pardon they demand do not take that view. Hon. Members act as the mouthpiece of men who think that dynamite attempts are the patriotic efforts of patriotic men, and that is a widespread sentiment in Ireland. The Chancellor of the Exchequer, the Home Secretary, and the Prime Minister know this.

MR. W. E. GLADSTONE: No, I beg your pardon; I do not.

MR. A. J. BALFOUR: Very well; the right hon. Gentleman does not know. But his Colleagues know that that sentiment prevails. Well, now, is it not futile, if not disrespectful to the Committee, to say it would be as reasonable to propose excluding bigamy or pocket-picking? We bring forward a matter of fact importance. The Amendment is

undoubtedly of great importance, and, in certain not inconceivable complications, it might be of vital importance—and this is how it is received. If I advise my hon. Friend not to divide it is not because I think the matter of no importance, but because it is a question which has been raised before in connection with the manufacture of explosives; and as it has been to some extent discussed on a former occasion, it should not be necessary to put the Committee again to the trouble of dividing.

Question put, and negatived.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

*MR. DUNBAR BARTON said, he wished, in the absence of the hon. and learned Gentleman the Member for the University of Dublin (Mr. Carson), to move to add at the end of line 6 "Procedure in criminal matters." The effect of the Amendment, if carried, would be to exclude from the powers of the Irish Legislature procedure in criminal matters. It could not be said of this Amendment that it indicated distrust of the people of Ireland, and involved a condemnation of the Irish character. All that was asked was that that which was the criminal procedure of the United Kingdom should continue to be the criminal procedure in Ireland, and that the Irish Legislature should not have power to alter it. When the Solicitor General came to deal with this question, he should be surprised to hear him say anything disparaging of the principles which governed the British Code of Criminal Procedure, and yet nothing could be more disparaging than for anyone to say that that Code was not good enough for the Irish Courts, and that it was one which the Irish Parliament should be invited to alter. The English Criminal Procedure Code was a model for all countries where the English language was spoken, including the United States and the Colonies, and there could be no suggestion that it was not a Code that might well and with advantage be preserved in Ireland. It would always be open, if any change was desired, that the change should be made here. The Committee did not know yet

what was to be the representation of Ireland in the Imperial Parliament, or if there was to be any at all; but it would always be open to the Imperial Parliament to alter the criminal procedure, and, therefore, there was nothing injurious or degrading in the proposal that the best Code of Criminal Procedure in the world should be continued in Ireland, and that the Irish Legislature should be restrained from interfering with it. Considering the close proximity of the two countries, it was most desirable, from the point of view of convenience, that the Code of Criminal Procedure should, as far as possible, be uniform. The Criminal Law and Procedure of Great Britain and Ireland was at present (with the exception of the Whiteboy Acts and a limited number of similar provisions) practically the same in both countries. He held that the question of criminal procedure was of the highest importance, inasmuch as it affected the liberty of the subject almost as much as the Criminal Law itself. The liberty of the subject was affected as much by a change in procedure as by a change in the law, affecting as it did the constitution of the Criminal Courts, power of arrest, examination of witnesses, committal of offenders, bail and recognisances. These were all vital questions of criminal procedure, and were regulated by the English Code in a manner highly satisfactory, and tending to preserve the liberty of the subject. In regard to the conduct of trials, the procedure included matters relating to the form of the accusation—whether by indictment, criminal information, or coroner's inquest. Those forms being known to our law, it was desirable that new ones should not be introduced, and yet new ones might be adopted by an Irish Legislature unless some such Amendment as this were introduced into the Bill. The method of quashing indictments was also connected with criminal procedure, also the method of conducting the trial and of examining witnesses. The Irish Parliament might desire to abolish cross-examination. They had had a remarkable instance of the tendency in that direction in Ireland in a Royal Commission—

MR. SEXTON: That was on the part of an English Judge.

Mr. A. J. Balfour

***MR. DUNBAR BARTON** said, that no doubt it was an English Judge who refused to allow cross-examination; but that legal dignitary had admitted that in an Irish atmosphere he was not bound by rules of British procedure. That was a fair illustration of what would be the natural tendency if the Bill became law without this Amendment. An Irish Legislature would have the power of following the precedent set by that English Judge. Again, criminal procedure embraced questions relating to defence, and as to whether prisoners should be compelled or permitted to be examined in their own defence. There were also questions connected with the writ of error and the Court for Crown Cases Reserved. All these things were links in the chain on which the liberties of the people depended, and unless the Bill were amended it would be possible for any one of these points to be upset or altered by the Irish Parliament in a Bill of a single clause. In the Irish Parliament of 1689 all criminal procedure was suspended by the majority against their political opponents in the celebrated Act of Attainder passed by that Parliament and afterwards quashed. It was actually provided against 2,500 Protestant landowners, nobility, and gentry, that unless they came in within a certain time and appeared before the tribunal of the Irish Parliament, they should be then and there attainted, and be liable to be convicted in their absence and condemned to the confiscation of their property and to death. That was done in the Irish Parliament of 1689—the only precedent in Irish history, Grattan's Parliament having been the Parliament of the Protestant minority, and, therefore, one not likely to infringe the liberties of the minority. The present Bill would place the Nationalist majority in power, and he would be acting falsely if he did not say that he believed there was grave danger of the liberty of the loyal minority being infringed by alterations in criminal procedure. Hon. Members below the Gangway had threatened the loyal minority with vengeance for the course they had taken throughout these controversies, and that minority would be prepared to meet the revenge of the majority in the best way they could; but there was, unquestionably, no way in which hon. Members could carry out

their threats more easily, dangerously, or discredibly than by altering the criminal procedure, and such alteration it behoved them to take measures to prevent. There were only two precedents which could be fairly appealed to in this matter—namely, the distribution of powers between the Dominion Parliament in Canada and the Local Legislatures, and the distribution of powers between the Federal and the State Governments in the United States. In the British North America Act, the Local Legislatures had conferred upon them power over civil procedure; but special distinction was drawn between that and criminal procedure, which was distinctly reserved to that Central Dominion Parliament. The case was still stronger in the United States; and would anyone say that there should be less security for liberty in Ireland than was to be found in one of the States of North America? This Bill was, in effect, setting up a Constitution both for Ireland and for the relations between Ireland and England, and, therefore, ought to contain in it what was contained in the State and Federal Constitutions of America. Important limitations were imposed upon the State Legislatures with reference to such matters as bail, trial by jury, indictment and grand jury, speedy and public trial, depositions of witnesses, the compelling of the attendance of witnesses, and the rule that no man should be twice put in jeopardy for the same offence. All these matters were carefully dealt with in the Constitutions. And yet Her Majesty's Government were going in this Bill, in which they were setting up a Constitution for Ireland, to give absolute power in that country to alter the criminal procedure. The Solicitor General would say that sufficient protection was given in reserving from the Irish Legislature the power of making laws.

"Whereby any person may be deprived of life, liberty, or property without due process of law."

But the restrictions in the American Constitutions were in addition to this supposed safeguard, which would turn out to be a very vague and unsatisfactory protection. Criminal procedure went to the root of the liberty of the subject, were he great or humble. At present the criminal procedure of the realm

afforded equal protection to all the inhabitants of Great Britain and Ireland. In Ireland they enjoyed all the protection the people enjoyed in Great Britain; and he trusted that the Government would not place it in the power of the Irish Legislature to diminish the protection which that procedure supplied.

Amendment proposed,

In page 2, line 6, after the words "treason-felony," to insert the words "procedure in criminal matters."—(*Mr. Dunbar Barton.*)

Question proposed, "That those words be there inserted."

***SIR J. RIGBY** : I cannot allow myself to be drawn into an indiscriminate eulogium of our criminal procedure as being the perfection of human wisdom. I think I should be borne out by almost the common consent of the authorities in saying that our Code of Criminal Procedure at present is singularly defective, singularly dilatory, and in many ways hardly creditable to our common sense as a nation. Having said that, no one will expect me to pronounce an eulogy on our Code. If the right of altering in substance matters connected with the Criminal Law of the country is to be vested in the Irish Legislature, that fact almost of necessity takes with it that subsidiary matters of procedure must be settled by that Legislature also. The reference made by the hon. and learned Member opposite to the Federal Constitution of the United States suggests an altogether false analogy. I may have misunderstood the hon. and learned Gentleman; but I gathered from his remarks that he was of opinion that the Federal Government deals with the question of criminal procedure in the various States.

***MR. DUNBAR BARTON** said, he had quoted the Constitution of California, taken from Mr. Bryce's book, to show that in the case of that State many subjects of criminal procedure were withdrawn from the cognisance of the State.

***SIR J. RIGBY** : I gathered from the hon. and learned Gentleman that he suggested that the two precedents which should guide us in this matter were those of the Canadian Government and the Government of the United States of America. In the case of the Government of Canada, the control over Criminal Law is vested in the Dominion Parliament and not in the Imperial Parliament.

Mr. Dunbar Barton

And as a corollary to that state of things procedure in criminal matters is vested in the same Authority as the rest of the law. I think, therefore, I have disposed of Canada as a precedent. The right to deal with procedure under that Act followed the right to alter the Criminal Law, and the same principle was adopted by the Government in the present Bill. I now come to the question of the Federal Authority in the United States and the States Authorities. One would suppose, from what was said by the hon. and learned Gentleman, that this important question of procedure in criminal matters was taken away from the States and given to the Federal Government. That is not the fact, or anything like the fact. The Federal Government has no right, as far as I know, to utter one single word about procedure in criminal matters in any State.

MR. DUNBAR BARTON : I did not say it had.

***SIR J. RIGBY** : No ; but I am endeavouring to show that, because the hon. and learned Member could not say it had, his argument was without foundation. Precedent must have something to do with the case we are arguing, and the Federal Government has nothing to do with procedure in the States. The hon. and learned Member has quoted the case of the Californian Legislature. The Sovereign State of California—for Sovereign it is in this matter—has chosen to say that certain matters of procedure shall be taken out of the ordinary course of procedure in that State. The exceptional procedure they had set up they may, however, alter at any time by Constitutional Amendments ; but, at any rate, it is to the State and not to the Federal Government that the right of altering criminal procedure is reserved. I venture to say there is not a shred of resemblance between the precedents the hon. and learned Member has put forward and the case under discussion. You are giving the power to the Irish Legislature dealing in substance with the Criminal Law, but by a strange inversion of ideas you assume that the form is more important than the substance. When the substance has been conceded, you treat it as a matter of vital importance that the form should be reserved.

MR. DUNBAR BARTON said, the Solicitor General had admitted that the matters embodied in the Amendment were dealt with in State Constitutions. They were, however, also dealt with in the Federal Constitution; and if a State interfered with the Federal Laws respecting speedy trial, indictment by Grand Jury, and so forth, it could be brought up before the Federal Courts. If the Irish Legislature were allowed to alter procedure in criminal matters, the loyal minority in Ireland would have less protection than was possessed by the citizens of an American State.

MR. RENTOUL (Down, E.), who was received with cries of "Divide!" said, he did not intend to detain the Committee long, but he was certainly not going to be put down by the clamour of the supporters of the Government. He did not at all attribute to the Irish Nationalist Members immense fertility in inventing wicked schemes in regard to criminal procedure, but he fancied that the Irish Nationalist Members might take certain views with regard to criminal procedure which to the loyal minority would be very abhorrent. They would need to invent nothing, but merely to be guided by precedents existing in other countries. For instance, they would be able to find precedents for majorities on juries deciding cases. He objected to their having the power to adopt such precedents, because he regarded them as very bad ones. They might also dispense with juries altogether, and substitute trial by Judges. They might apply the system of trial by two Magistrates to Ulster, and keep it constantly in force there on the plea that they were merely adopting a system inaugurated by the Imperial Parliament. Mr. Justice Stephen, in his book entitled *A General View on the Laws of England*, pointed out that under the English law every man was believed to be innocent until he was proved to be guilty, whilst under the French law the opposite was the case. The Irish Nationalists had great respect for the French nation, and they might say that the French criminal system was quite as good as the English criminal system. If ever there was a book after reading which a man felt inclined to say, "Thank God, I am not a Frenchman!" it was this book of Mr. Justice Stephen's. In France, as soon as a charge was made

against a man, he was confronted with witnesses and cross-examined in his cell again and again. In fact, he was subjected to a system of torture which Mr. Justice Stephen declared to be a disgrace to the civilised world. He was not willing to confer power on the Irish Legislature to introduce such a system into Ireland, especially as he believed that the English system of criminal procedure, on which the Irish system was largely based, was one which more effectually than any other secured the conviction of the guilty and gave a chance of escape to the innocent. Believing, then, that the criminal system of England was a very good one, and that, with some few amendments, it would be the very height of human wisdom, he desired that it should be maintained.

MR. CARSON (Dublin University) said, he had put the Amendment on the Paper under the fullest sense of responsibility and in the belief that it would be of vast importance for the protection of Loyalists and others in Ireland. The Bill contained a declaration that no one in Ireland would be deprived of life, liberty, or property except by due process of law. That was what he ventured to style a mere paper section, which provided no safeguard unless the proper machinery were provided for giving effect to it. The Amendment was intended to carry into effect the declaration to which he alluded, and it was, therefore, of great importance as showing whether the safeguards were to be real or mere paper safeguards. The Government had excepted treason and treason felony, foreign enlistment, and coinage from the functions of the Irish Legislature, and he wished to know whether the Irish Legislature were to have full power over the procedure for giving effect to laws dealing with those matters? If not, the very safeguards that had been accepted would be rendered nugatory by the procedure of the Irish Parliament. He would take the case of foreign enlistment. Were the Irish Legislature to have the power of altering procedure in reference to the Acts dealing with foreign enlistment? Ought not the reason which caused the Government to except foreign enlistment induce them to take steps to prevent the Acts being rendered nugatory by procedure? The Foreign

Enlistment Act provided that if British subjects built ships for the purpose of supplying them to a foreign Power which was at peace with this country, the Secretary of State could step in and could either seize and detain them or could prosecute the builders for misdemeanour. He wanted to know whether the Irish Parliament was to have power to say that the ships might be supplied to the foreign Power for which they were built, and that the Secretary of State might prosecute for misdemeanour if he liked? He should like to know what grave complications might not ensue if the Irish Legislature were at liberty to take a course of this kind? With regard to the coinage, the Government had excepted that matter from the power of the Irish Legislature, but was that Body to have power to regulate the procedure in relation to offences against the coinage? They might as well never have excepted from the powers of the Irish Legislature at all the matters they had done unless they were going to take the further step which the Solicitor General had admitted was the natural corollary to the step already taken—namely, to withdraw the procedure, as well as the enactment of laws, from the Irish Government. He hoped, as regarded these matters which were of Imperial importance, he should have some answer. He should like to know whether the Government had considered the extent of the powers they were giving to the Irish Legislature when they said that the whole of the criminal procedure was to be within the purview of the Irish Legislature? When the Americans were enacting their Constitution they took the greatest possible pains to preserve the liberty of the subject by safeguards in criminal procedure, every one of which was taken from the English law. In the present Bill, so far as he could see, there was no safeguard in respect of any of those matters which were considered of vital importance in the English Constitution, and which had been adopted by the American Constitution. Were they going to give to the Irish Government the power to do away with the indictment before a Grand Jury, which was one of the protections of the British Constitution, and which was one of the very first matters safeguarded in the American Constitution? If that power

was not to be ceded, were they going to take away the substance of that protection by altering the status of these Grand Jurors, who were looked upon, as they knew, by a certain section of the Irish people as forming part of the English garrison? They had a right to know if that was the intention of the Government. Another matter which seemed to him to be of vital importance was the question regarding searches and seizures. It was against these and many other abuses that the law of habeas corpus had been so rigidly adhered to in this country. Could anything be conceived as affording a greater opportunity for Executive tyranny than to allow the Irish Legislature to deal with these matters? In the American Constitution this was naturally one of the most vital safeguards. The American Constitution had a provision that such searches and seizures should be invalid unless made under a proper warrant. Was the Irish Legislature to have power to abolish those warrants, and so practically to do away with the writ of habeas corpus, because it was by a writ of habeas corpus that these different matters were tested? There were many other matters of a similar character which had been referred to by previous speakers. He might refer to bailable offences. One of the matters that Parliament had laid down by Statute referring to Ireland was that a certain number of offences should be bailable in all circumstances. Were they going to give power to the Irish Executive to take away that safeguard? Again, were they to have power to take away the safeguard of a man being tried only once for one offence; or of compelling a man to give evidence against himself? On the question of summary jurisdiction by negating the Amendment which was proposed the previous night, they had left the appointment of Magistrates entirely with the Irish Executive. Were these Magistrates under the Irish Executive to be still limited by the same right of appeals to the Superior Courts that had existed hitherto, or was the Irish Legislature to have power to take away these safeguards and leave the Irish Executive with complete control over the matters which came under their purview? One of these Magistrates appointed by the Irish Executive might, say, preside at a

boycotting meeting, and the boycotted man might come before him for redress. Was the Irish Legislature to have power to take away the right of appeal which existed in almost every case, and to leave the boycotted man absolutely at the mercy of the Magistrate who presided at the boycotting meeting? It did strike him that these matters, and the way they were treated by the Government, were in strange contrast to the comparatively trivial matters which they themselves had thought it necessary to except. Take, for instance, the case of the coinage. He apprehended that any offence against the coinage must come within the Imperial Court provided by the 19th section. What right did that give? It gave the right of appeal to the Privy Council against any decision that might be given against a person tried for this common and ordinary offence in Ireland against the coinage. They gave all these safeguards, and imposed all these difficulties in connection with the conviction of that man, but a man tried for murder was left absolutely at the mercy of a Judge appointed by the Irish Executive and a jury, called according to Irish laws, without any appeal being given to a Criminal Court of Appeal or to the Privy Council. That occurred to him to be an absolute absurdity. Take, again, the case of the Merchandise Marks Act. For any offence under that Act a man might insist on being tried before this Imperial Court of Exchequer Judges, with an appeal to the Privy Council, whereas in a case of sedition a man would be left to the mercy of the Irish Executive and of an Irish tribunal without any appeal whatever. These were matters which showed that, while the Government were quite willing to hand over the Loyalists of Ireland in all these matters to the tender mercies of the Irish Executive, they were absolutely unwilling in comparatively trivial matters relating to Imperial affairs to entrust their own law to be administered by exactly the same tribunal. He now came to a matter which was of even graver importance than any of the matters he had been already dealing with, and a matter into which it would be necessary for him to go into some considerable detail. [*Cries of "Divide!"*] He could assure hon. Members that if they thought that these

safeguards they had now had for several hundred years were to be left to the mercy of the Irish Legislature on a few moments' debate they were greatly mistaken. Had the Government considered the condition of the procedure in relation to criminals as between Great Britain and Ireland as it at present existed, and as it would exist under the Bill in reference to the backing of warrants? How were Irish warrants in future to be enforced in England?

An hon. MEMBER: Next Amendment.

MR. CARSON said, it was included in this Amendment, and the reason he had put it down as a separate matter was this: They were very often told that one Amendment was too wide, and if they had a more restricted Amendment the Government might assent to it. Therefore, it was in order that he might not be told he had been guilty of negligence in drawing his Amendment, he had done his best to try and carry out the view of the Government, and specifically to draw an Amendment on a specific matter. Suppose a crime was committed in Ireland and the criminal came to England, what was to be the procedure? Having established Irish Courts solely under the control of the Irish Executive, was criminal process, issued by the Irish Courts, to have the same force in England as it had had hitherto, when these matters were under Imperial control? Let them see how the matter worked out at present. The Irish Magistrates issued their warrant; it went to the Inspector General, who backed it and sent it over to England for execution. Was that to be the procedure in future? There must be some regulation of process between the two countries. It was plain, however, that this was not to be the procedure in future, because the office of Inspector General was to be abolished; and he wanted to know what authority was going to be substituted? At present he saw nothing in the Bill. This was an important matter to people resident in England, because, of course, the Inspector General being an Imperial officer, as he had to back the warrant, there was a certain amount of protection that he would only back proper warrants, or warrants not maliciously issued. What was to be the substitution for that? As that affected people living in this country,

was it to be regulated by the Imperial Parliament or by the Irish Executive? If it was to be left to the Irish Legislature, all he could say was that it was a very serious matter, looking at it from the point of view of persons living in this country, that they were to have no Imperial officer intervening between processes issued by these Magistrates, who were under the control of the Irish Executive, and the arrest of the person who was to be arrested under the warrant in this country. That was a matter which ought to be determined. If English Members were quite prepared to concede, as a purely Irish matter, to the Irish Legislature and Executive the power to issue warrants which were to run and have force in England, then, of course, let them do it with their eyes open. He came to a question of equal importance—namely, how were English warrants to be enforced in Ireland? Take the case of a criminal committing an offence in England which might be no offence in Ireland. He went to Ireland, and the Irish Executive might not be too willing to give up persons to the English Executive in relation to a matter which was not an offence at all in that country. How were the Government going to deal with that question? Was it to be left to the Irish Legislature? There might, of course, be an Extradition Treaty. Was such a Treaty to be arranged? Of course, it was absurd to suppose that there would be a Treaty; but still the Committee ought to be told how the subject was to be dealt with, because the Bill contained no provision in relation to it at present. At the present moment the way the matter was done was this: the English warrant was sent over to Ireland and endorsed by the Inspector General, who forwarded it to the place where it was to be executed. But the Inspector General would be abolished; and were they going to give the Irish Parliament or Legislature power to render the procedure entirely nugatory and void, by passing an Act, that these warrants should not run in Ireland? If they were going to have no way of capturing offenders who had committed crimes in England, and who had taken refuge in Ireland, it would not add to the amenities of Irish society to have all these refugees coming over there. He had been unable to see from the Bill how

these warrants as between the two countries were to be executed at all, and it was important to know how these matters were to be regulated in future. He could only hope that the points he had raised would be met by some arguments dealing with and pointing out how they were to be regulated in future if this Bill should ever, unfortunately, become law. He knew the favourite answer was that they were to trust this great Irish Parliament. But they had asked over and over again, on what was that trust to be founded? Was it to be based upon the past conduct in relation to the Criminal Law of the Leaders of the Irish Nationalists? Was it to be founded on the fact that over and over again they had stated that when they came into power they would repay them (the Unionists) for matters that had happened in the past? Was it to be founded upon declarations of right hon. Gentlemen opposite? All he could say was that he remembered very well a speech of the right hon. Gentleman the Member for Derby, in which he said if he was to govern Ireland according to Irish ideas he would not govern it at all. If criminal procedure was to be adapted according to Irish ideas, so far as they knew them, there would be no criminal procedure at all, or it would be turned into channels which hon. Members opposite could scarcely contemplate with equanimity.

*SIR J. RIGBY: I hope to be able to answer those points in the arguments of the hon. and learned Gentleman which appear to me to have reference to this Amendment, and as regards any points which do not appear to me to concern the Amendment I shall pass them by. Now, first I would say that, with regard to the general argument of the hon. and learned Gentleman, it appears to me that it disregards the extent of the Amendment. The hon. and learned Member appears to think that a general Amendment, applicable, it may be, to hundreds of thousands of cases, is sufficiently supported in argument by pointing out here and there a case in which it might be reasonable enough to introduce some change. He began about procedure in criminal matters, and certain instances are taken in which it is said that it would be desirable that that procedure should be taken out of the hands of the Irish Legislature. The

right hon. Gentleman the Member for Bury introduced an Amendment into Section 3 of the clause, having reference to procedure in regard to a very wide class of offences; but when we came to the point he told us fairly and candidly that what he meant was something quite different. The right hon. Gentleman said he did not intend that the procedure in cases under the Extradition Treaty, which is a fundamental part, an essential part, of the Bill should be interfered with. The moment that was pointed out the Government endeavoured to meet it fairly; but now the hon. and learned Member for the University of Dublin has gone back to the point of the Extradition Treaty.

MR. CARSON: I did not go back to the Extradition Treaty. I referred to the Foreign Enlistment Acts.

***SIR J. RIGBY:** The Foreign Enlistments Act is equally covered by what has taken place before. Then it is said that if the whole of the criminal procedure were handed over to the Irish Legislature, some classes of offences would be covered that ought not to be covered. But, that being granted, it does not form the slightest argument for debating the particular Amendment; because the argument, if it has any value, must extend to the whole of the indictment you are presenting. The hon. and learned Gentleman suggests that difficulties will arise in cases of treason and treason-felony, which we have excepted from the jurisdiction of the Irish Legislature; that there is a want of logic in our position, because we are separating the right to deal with the substantive crime from the right to deal with procedure. I deny that there is any want of logic in the position which the Government take up in this matter, when it is laid down in the Bill that there shall be no legislation at all from the Irish Legislature with reference to treason or treason-felony. There is a special provision in the Bill that the Legislature shall not pass any law in respect of treason-felony. It is totally excluded in all its bearings. The exclusion is not limited to any particular Act. The exclusion is general, as it is intended to be; and if there is in

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any Act about treason or treason-felony a matter of procedure which is enacted especially in reference to that particular crime, that matter of procedure can no more be dealt with by the Irish Legislature than the substantive form of the crime itself. I say that where we have given the whole dealing with the Criminal Law to a particular Legislative Body, it follows, as a logical conclusion, that we ought not to sever the jurisdiction into two parts—the one relating to substantive offences or crimes, and the other relating to the way in which the Courts of the country should carry out the Criminal Law with respect to these crimes. I do not think that there is any need for me to establish that further. I find that difficulties are suggested. I will take one case which the hon. and learned Member pressed on me a great deal. The hon. and learned Member asked—“How are you going to deal with the important question of the manner in which warrants issued in England are to have effect in Ireland; and how, in the opposite case, are warrants issued in Ireland to have effect given to them in England?” There is not much difficulty about the matter. The execution of warrants in England or Ireland rests on the substantive enactments of the Parliament of the United Kingdom, and Clause 36 of the Bill provides a remedy for any defect that may be discovered afterwards, for it says that where it appears to the Queen in Council, before the expiration of a year after the appointed day, that any existing enactment respecting matters within the powers of the Irish Legislature require adaptation to Ireland, then Her Majesty may, by Order in Council, make that adaptation. One of the possible cases indicated is the required substitution of the Lord Lieutenant in Council, or of any Department or officer of the Executive Government in Ireland, for Her Majesty in Council, or a Public Department or officer in Great Britain.

MR. CARSON: He would be an officer of Ireland.

***SIR J. RIGBY:** He would be an officer of the United Kingdom. [“No!”] I do not know what the hon. and learned Gentleman means. An officer holding under the Crown in Ireland cannot be described as an Irish officer in any accurate

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sense. He is an officer of the Crown, and if one officer disappears under this Bill you will have another in his place. I will not be drawn into an argument on the precise wording of the section. The section, according to the reading of it, provides for the particular case before the Committee; and, if it does not, it can be made to do so by two words of an Amendment put in in the proper place. As to an order made in England for execution in Ireland, that certainly does not concern Ireland exclusively, and the Irish Government will have no sort of jurisdiction. The Imperial Statute will still make it obligatory on the parties in Ireland to give effect to warrants issued here, and therefore the whole objection that has been raised falls to the ground. At any rate, a defect in this matter can be made good by an Amendment under Clause 36. Then I come to cases of seizure and inquiry. These are matters, not of mere procedure, but of substantive right. A particular proceeding is a trespass or not a trespass according to the substantive law.

MR. CARSON: According to procedure, it is a trespass or it is not a trespass.

***SIR J. RIGBY:** No; but, according to substantive law, if the law says one may do a thing it is no longer a trespass. A trespass on a man's house in violation of the law is not a matter of procedure; but it is a most important matter of civil law and civil right. If a man under a general warrant invades one's house he may be treated as a criminal trespasser or an ordinary wrongdoer. But for such an offence, even though the question of procedure in criminal actions were entirely taken out of the hands of the Irish Legislature, there would be a remedy under which a jury fixing civil damages would be instructed by the Judge to give exemplary damages—not merely damages corresponding with the amount of the injury done, but with the right interfered with. I think now that I have really gone over the important parts of the matter. I have dealt with what I conceive to be the entirely irrelevant arguments as to seizures under general warrants. This is a substantive part of

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the law, and, if it were not, the exclusion of criminal procedure from the jurisdiction of the Irish Legislature will not put the subject-matter out of their jurisdiction in other respects; because, even though Parliament were to take away the right of criminal procedure from the Irish Legislature, there will still remain the right of civil action, which in this case would be vastly more important. If a Secretary of State seizes papers improperly, it is not the criminal procedure against him that he has to dread, but the likelihood of being mulcted in damages. Again, I say, you have to inquire whether a matter is one that exclusively relates to Ireland. If it does not relate exclusively to Ireland there is no foundation for any legislation on the part of the Irish Legislature.

***SIR H. JAMES:** I will endeavour very briefly to deal with the chief points brought forward very ably by my hon. and learned Friend the Solicitor General. For a great many years I have known what a formidable opponent my hon. and learned Friend is, and also how reasonable he is; but I must say it is difficult to please my hon. and learned Friend to-night. When the hon. and learned Gentleman the Member for the University of Dublin brings forward a general Amendment my hon. and learned Friend says that deceit lurks in generalities. But when the hon. and learned Member for the University of Dublin puts down a detailed Amendment the Solicitor General says—"How can we discuss measures of general importance upon this special Amendment?" The fact is that we must strike a balance between the two considerations, and see whether the general effect of an Amendment is, on the whole, for good or for evil. I can well admit that there are matters, such as one man striking another at a fair, which should be left to the jurisdiction of an Irish Legislature; but I am now asking the Committee to look at graver matters and their consequences, and it is these graver matters and their consequences that should incline the balance. We have to deal with the prohibited cases in Clause 3; but we have to deal with a number of other cases; not only

of cases prohibited by Clause 3, but with the others' that do not come within the general statement of the Act as being an Act to deal with the good government of Ireland; therefore my right hon. Friend the Chief Secretary said that piracy could not possibly come within this Act at all. Everything that occurs outside Ireland is prohibited to be dealt with by this Act. Why is that? It is because you will not trust the Irish Legislature to deal with these matters. But you go further; you will not trust the Irish Judiciary to deal with them. You say—"The Irish Judges shall not be trusted to deal with these grave and important matters." And you refuse to them the power of trying, and give this power to two English Judges. But what is the use of that if their procedure is to be controlled by the Irish Legislature; and on this Bill the whole of the argument of my hon. and learned Friend the Member for the University of Dublin (Mr. Carson) is admitted. The admission that is made in this Bill exists in Clause 19. In Sub-section 3 of Clause 19 it is forbidden that any

"Alteration of any Rule relating to such legal proceedings as are mentioned in this section shall not be made, except with the approval of Her Majesty the Queen in Council."

Yes; you will not trust the Judges with the ordinary power of making their Rules of Procedure; you will not allow the Irish Executive to revise these Rules; but you are going to give that power to the Irish Legislature. You are going to give them the power to control all the proceedings of the English Judges when trying treason and treason-felony, and, at the same time, you say you will not trust the Judges to make their own Rules in the smallest matter of procedure. Where is the consistency of that proceeding? That is not our argument; it is the argument of the framers of the Bill. You will not trust your Irish Judiciary to conduct their own procedure, but, at the same time, everything of substance is to be governed by the Irish Legislature. It will render the administration of justice not only a fiction but a farce. Now let me deal with what my hon. and learned Friend the Solicitor General

says. He admits the wisdom of the contention of the Member for the University of Dublin (Mr. Carson), for this reason. He says—"When you tell me the Irish Legislature ought not to interfere with criminal procedure in treason and treason-felony I think you are right; but that is provided for by the Bill." With great deference to him, I think he is wrong. If an Act says a Legislature is not to deal with treason and treason-felony, that does not prevent them dealing with criminal cases. It might be enacted that men condemned to death should be admitted to bail. That would not touch treason or treason-felony within the meaning of the Act; but it would mean that the procedure was a procedure perfectly inapplicable to the administration of justice. Again, you can legislate by saying that, after committal for trial, all such persons shall be allowed to come and go as debtors did in the olden time. That would not be legislation applying to treason or treason-felony, but the traitor would escape through it as much as if you said treason should not be an offence at all; and, as I understand the hon. and learned Solicitor General, he thinks the procedure in relation to such cases should not be within the power and cognisance of the Irish Legislature. As this Bill stands, all that safeguard is reduced to nothing, because although it says "you shall not deal with certain criminal offences," yet you allow this Legislature to deal with criminal procedure which renders the prohibition perfectly nugatory. The balance of convenience, of right, and of the necessity for maintaining the law against the criminal is in favour of the criminal procedure being vested in this Parliament.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): I have heard with respect the observations of my right hon. and learned Friend, and I entirely accept the principle with which he started—namely, that, in judging of the reasonableness of an Amendment of this kind, which proposes to exclude from the jurisdiction of the Irish Legislature the dealing with procedure in all criminal matters, we must strike a balance; we must consider upon the

one side the number of cases that ought naturally to be within the cognisance of the Legislature such as it is proposed to create, which this Amendment would exclude, and on the other side the cases which, according to the view of my right hon. Friend, it would be unsafe to entrust to the jurisdiction of the Irish Legislature. I venture entirely to controvert and to deny the proposition which my right hon. Friend expressly states lies at the root of his argument, that the matters in this 3rd clause withdrawn from the cognisance of the Irish Legislature are so withdrawn from any want of trust in regard to the Legislature itself. That is not the principle on which the 3rd clause proceeds. The 3rd clause is nothing more than the application and development of the principle already laid down in the preceding clauses. What is that principle? That the Irish Parliament shall have power to legislate in relation to matters which concern, and concern exclusively, the peace, the order, and the good government of Ireland; and when you find certain matters which do not exclusively concern the peace, good order, and government of Ireland, and dealing with those, and specifically enumerating them, say they shall not be within the power of the Irish Legislature, you are acting, not in a spirit of distrust, not by way of qualification or reservation of powers already granted, but by way of rendering more specific a limitation already made. That being the case, when we come to any particular Amendment on the 3rd clause, what we have to consider is not whether our confidence in the Irish Parliament would lead us to entrust this particular matter to them, but what we have to consider is whether the Irish Parliament, having a limited purpose and a purely local jurisdiction, the matter in question is one which, having regard to the scope of the activity, and jurisdiction of the Irish Parliament, ought to be excluded from it. I propose to apply that test to this particular Amendment. Here you are creating a Legislature with power to make laws for the peace, order, and good government of Ireland, and you seriously propose to exclude from the jurisdiction of that Legislature the whole sphere of criminal procedure. Was ever such a proposition before seriously propounded for the consideration of a Legislative

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Assembly? I am not going to argue the question whether the Irish people are fit to be entrusted with the enactment of the Criminal Law, and I am not going to argue it, for the simple and sufficient reason this House has decided that question by passing the Second Reading of this Bill—[*Cries of "No!"*] Yes; and also in the 1st and 2nd clauses, as my right hon. Friend reminds me, which this Committee has already assented to, and I deny your competence to introduce an Amendment into the 3rd clause, after the 1st and 2nd have been assented to, which would render nugatory and absurd that which you have already passed. The matter becomes a very simple one: Are we, or are we not, having declared this Legislative Body fit to pass laws, to exclude from its power the whole question of criminal procedure? The proposition only needs to be stated to answer itself. Right hon. Gentlemen opposite, who have discussed this Amendment, have mentioned a number of cases with reference to extradition, foreign enlistment, warrants issued in this country and running in Ireland, and have exercised a great deal of imaginative vivacity and vigour in regard to possible consequences in the way of friction. The simple answer to all these arguments is that the cases to which they refer are cases excluded from the competence of the Irish Parliament, cases which depend on the legislation of this Imperial Parliament. If you give to a Legislative Body power of making substantive law, you by necessary implication give to them the power of regulating the procedure by which that law is carried out. And the converse, or rather the corollary, is equally true—if you withdraw the power of making substantive law, you withdraw from them the power of regulating the procedure. I have only one other observation to make, that if there be any doubt about the matter—which I cannot conceive any lawyer entertaining—it is specially provided for in the 19th clause of the present Bill where a special tribunal is created, consisting of the Exchequer Judges, to whose exclusive jurisdiction is entrusted the decision of all questions which touch any matter not within the powers of the Irish Legisla-

ture and in relation to all legal proceedings that come before the Courts so constituted—

"Which are instituted at the instance of or against the Treasury or Commissioners of Customs, or any of their officers, or relate to the election of Members to serve in Parliament or touch any matter not within the powers of the Irish Legislature, or touch any matter affected by a law which the Irish Legislature have not power to repeal or alter."

I trust I have sufficiently disposed of that question. I can only say, in regard to the substance of this Amendment, that the Government, so far as they are concerned, would regard it as absolutely and completely defeating and frustrating the enactments to which this Committee has already assented.

MR. GOSCHEN (St. George's, Hanover Square): When the Solicitor General was speaking, if the veracious chronicler of *The Daily News* was in the House, he would have stated the hon. and learned Member the Solicitor General was received with cries of "Divide." There was no desire to hear his answer—[*Cries of "Divide!"*] If I am received with cries of "Divide," I am merely sharing the fate of the hon. and learned Solicitor General; they had no desire to hear him, and even when the Home Secretary rose there was a cry of "Divide"—[*Cries of "Divide!"*] Yes, you prefer—[*Cries of "Divide!"*] and "Question!" Hon. Members in all parts of the House must have seen the deep attention with which we listened to the hon. and learned Solicitor General and to the Home Secretary, and surely they will not think it necessary to refuse the same courtesy to me. But I wish to point the attention of the Committee to the fact that hon. Members opposite prefer silence and voting to the arguments even of their own Solicitor General—even to the best arguments that can be produced by their own side. I do not think the hon. and learned Solicitor General added much to the knowledge of the Committee upon this—[*Cries of "Oh, oh!"*] No; and it is proved it was not so, because, eager as hon. Members are for a Division, it was thought necessary the Home Secretary should follow the hon.

and learned Gentleman in order to put the matter right. Well, did the Government feel that their case had been inadequately stated? [*Cries of "Divide!"*] I hope I shall receive the same courtesy that has been extended to right hon. Gentlemen on the opposite side of the House. I wish to make good my point why I say hon. Members opposite were not satisfied with the answer of the hon. and learned Solicitor General—[*Cries of "Oh, oh!"*] What is the good of saying "Oh, oh"? they were not satisfied, because, instead of dealing with the merits of the case, he used an argument which has been continually used in this Debate—and which by this time, I hope, is thoroughly discredited—saying, "Your Amendment not only deals with the particular point you raised, but it goes too far."

SIR J. RIGBY: Dealing with this Amendment?

MR. GOSCHEN: Yes; he used the argument that has been used over and over again in our Debates—namely, that they go too far, and the hon. and learned Gentleman said they admitted there was a certain force in the arguments that had been urged, and when they came to a certain point possibly they would deal with that particular point. On every Amendment moved from this side of the House we have a confession from the other side of the House. [*Cries of "No, no!"*] Yes; it is generally said, "You go rather too far; but if you confined your Amendment to a particular form, we would have dealt with it in the Bill." [*Cries of "No, no!"*] I state that as an absolute fact; time after time the Government say, "There is a point in the Amendment, and possibly we will deal with it by-and-bye."

MR. W. E. GLADSTONE: No.

MR. GOSCHEN: The First Lord of the Treasury says, "No," but I wish to ask whether he heard the hon. and learned Solicitor General admit there was one point—that there were certain cases contemplated by this Amendment that was serious, but the Amendment went so far—[*Cries of "Question!"*] Am I misrepre-

sending the hon. and learned Gentleman? I say, let the Government put on the Notice Paper of the House the Amendments, which they are prepared to admit as the necessary result of the debates, and which have been discussed. The First Lord of the Treasury said he never remembered a case where Amendments had been submitted to the House in a manner as on this occasion—Amendments which require amendment in the course of a Debate. We amend the Bill of the right hon. Gentleman. He admits, or his Colleagues admit, it requires amendment in many cases—[“No!”] Yes; you have admitted arguments, and you would have admitted more but for your fear of hon. Gentlemen below the Gangway. A change has come over the spirit of the dream since we saw those expressions of dissatisfaction, and we have not seen the same disposition to admit most reasonable Amendments which have been moved to-night since the warning which right hon. Gentlemen received. Now, it is admitted that there are certain points that have been urged on this side of the House that require the attention of the Government; but, says the Home Secretary, “we have to look to a balance in these matters”—I think that was the phrase used—“that you will take away so much from the Irish Parliament if you accept this; that it would outweigh the advantage that would ensue if you deal with particular points, to which we, on this side of the House, attach particular importance.” Now, I wish to know why is the balance always to be decided in favour of the Irish people as against the English? Why, at all events, do right hon. Gentlemen not admit it, and meet us by saying, “We see there is a certain point in your arguments; we will admit so much of your Amendment, but we cannot admit the rest”? That would be a fair way of dealing with the Amendments proposed. But, instead of that, on every occasion right hon. Gentlemen opposite take advantage of what they call the width of the Amendment, in order to frustrate the legitimate object of the Amendments. I think that the British public will see through the attitude of the Government. They will see that when there is a balance, and the argument is in favour of some limitation, and there is a portion

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of the argument that might be in favour of more freedom of the Irish Parliament, the decision is always given in the direction of the Irish people, and contrary to what may be considered the legitimate demands of the British public. It has been shown in this Amendment, as it has been shown in many others, that there are distinct dangers in the direction of confiding to an Irish Parliament the whole legislation with regard to criminal procedure. It is scarcely denied by the right hon. Gentleman opposite—their antecedents prevent them giving a denial to that general proposition—and far from attempting to meet that portion of the case they themselves consider legitimate, they say, “We must give entire freedom to the Irish Parliament to deal with criminal procedure.” The hon. Member for the University of Dublin (Mr. Carson) has shown conclusively the danger of confiding these powers to an Irish Parliament, and what answer has been made? No answer except that answer of the balance always to be given in favour of the Irish Parliament. I do not consider that by one single argument hon. or right hon. Gentlemen opposite have even attempted to minimise the dangers we have put forward; they have not attempted to show there are not certain dangers, but have had recourse to that device which they have followed on every occasion of saying that if we carry this Amendment we shall, forsooth, be limiting the powers of the Irish Parliament to deal with criminal procedure, and that is because we have passed the words that the Irish Parliament are to legislate for the peace, order, and good government of Ireland. I remember when we were discussing those words it was said they were formal words, that they were the common form put into all the Statutes, and we were rather constrained from discussing them because they were common words; but now, because those words have been passed, we are told that we must give the Irish Parliament, constituted as it will be, and under the leadership which it will have, to give them full power to deal with criminal procedure in order to promote the peace, the order, and the good government of Ireland. Well, how far the measures which will be proposed by that Parliament will be in that direction

is a matter of controversy and prophecy upon which I will not enter. ["Hear, hear!"] Well, if hon. Gentlemen say "hear, hear!" I say it is wise not to enter on that matter, if that is the meaning of that cheer. If they say it is wise, I would answer at once and say we must judge, and the public of Great Britain will judge, the probabilities of the future by the action and the speeches of right hon. Gentlemen on the Government Bench. I leave that portion of the argument to the decision of the British public. "But," says the Home Secretary, "it would be perfectly ridiculous, having given these powers for the peace, order, and good government of Ireland to the Irish people, to prevent them dealing with criminal procedure." Has the right hon. Gentleman remembered the 4th clause of the Bill, in which, after having confided all these powers to the Irish Legislature, the Government are going to curtail their action upon matters most interesting to the whole of the Irish people? The Irish Parliament is to be allowed to deal with criminal procedure, but it is not to be allowed to deal with education. I do not wish to use strong words, although strong words are sometimes used on the Government Benches, but is it not almost hypocrisy to say that it is a slight on the Irish people to prevent their dealing with criminal procedure, while you prevent their dealing with the education of their own children? No, Mr. Mellor, the Government are afraid of proposing to limit the powers of the Irish Legislature with regard to criminal procedure; and, if there was one subject in the world one would have thought they would have been asked by their own friends and the constituents of this country to be careful upon, it would be with regard to criminal procedure. One would have thought that would have been their attitude. But, no; they resist this Amendment, because they know the Irish Members would most indignantly repudiate any fetters being put upon them to prevent their dealing with criminal procedure. They have their views as regards criminal procedure; they have suffered under the present criminal procedure. As regards all these important points to which those who are interested in insisting there should

be safeguards in this Bill, for the minority have repeatedly called attention—all these are neglected by the Government, while they are prepared to put in safeguards on other matters. The right hon. Gentleman says that they repudiate all these Amendments, because they deal only with matters which concern the Irish people alone. But they must remember they have given pledges that there are to be safeguards for the minority in Ireland. As the right hon. Gentleman the Member for West Birmingham pointed out yesterday, this is not only a question between Ireland and this country, but we have to be cautious for the minority in Ireland. The last three or four Amendments all had their bearing upon the safeguards for the minority in Ireland, and what we now declare is that the Government and their supporters neglect and refuse to embody in the Bill many of the most important proposals which have been put forward to defend the rights, liberties, and the property of the minority in Ireland.

Question put.

The Committee divided :—Ayes 253 ; Noes 293.—(Division List, No. 121.)

MR. CARSON moved the following Amendment :—

In Clause 3, page 2, line 6, at end, add "The execution and carrying out in Ireland of warrants for arrest in criminal process issued in Great Britain, and the execution and carrying out in Great Britain of warrants for arrest in criminal process issued in Ireland."

He said, that as he had already spoken at some length on the subject, he was not going to repeat what he had said before. But the Committee would recollect that the Solicitor General had admitted the great importance of this matter.

MR. S. EVANS (Glamorgan, Mid) : On a point of Order, Sir, I wish to ask you whether the Amendment is in Order, having regard to the Amendment on which the Committee has just divided, and what was stated by the hon. and learned Gentleman himself. He admitted that this Amendment was included in the Amendment on which the Committee has already divided. He said the first Amendment was a very wide one, and,

therefore, he had put down a narrower one, which was included in the first Amendment. That being so, I ask you whether the wide Amendment does not cover this Amendment?

THE CHAIRMAN ruled that the Amendment was in Order.

MR. CARSON said, he only wanted the matter settled one way or the other. The Home Secretary said this was not a matter which would be in the power of the Irish Legislature, as not being exclusively an Irish matter. The Solicitor General rather took another view, and stated that it would be regulated under a subsequent action of the Act. He failed to see how this was to be excluded unless they put in express words removing it from the power of the Irish Legislature; and if there was any doubt upon the matter at all, it was only reasonable that they should have it made clear on the face of the Bill. The Solicitor General said there was no necessity for the Amendment, because the question of the execution of English warrants in Ireland and of Irish warrants in England was not a question relating exclusively to Ireland, and, therefore, it could not come within the jurisdiction of the Irish Parliament.

Amendment proposed,

In page 2, line 6, after the words "treason-felony," to insert the words "The execution and carrying out in Ireland of warrants for arrest in criminal process issued in Great Britain, and the execution and carrying out in Great Britain of warrants for arrest in criminal process issued in Ireland."—(*Mr. Carson.*)

Question proposed, "That those words be there inserted."

MR. TOMLINSON (Preston), who was interrupted by cries of "Divide!" contended that they had a right to know what would be the exact position of an Englishman desiring to execute a warrant in Ireland for a crime committed in England, and also what would be the position of an Irishman desiring to execute a warrant in England for a crime committed in Ireland. This was a very important question; but, so far as he knew, the Government had left it

Mr. S. Evans

as a matter of uncertainty, which it was desirable should be cleared up.

Question put.

The Committee divided:—Ayes 246; Noes 282.—(Division List, No. 122.)

MR. BRODRICK (Surrey, Guildford) rose to move the following Amendment:—

In page 2, line 6, after "alienage," to insert "the immigration and expulsion of aliens, the rights of aliens resident in Ireland."

He said the Committee would recognise that the subject-matter of this Amendment was of considerable importance. He assumed that the last thing an Irish Parliament would do would be to adopt any system likely to irritate Foreign Powers; but then the Irish Parliament would not be aware of the Imperial position with regard to Foreign Powers, and he assumed that the right hon. Gentleman in charge of the Bill would regard this as of first importance in regard to their relations with those Powers. If matters were left as they were great jealousy and suspicion would be created. It was absolutely impossible to let the Bill remain as it was. In the course of last year there was a very serious feeling aroused because the United States Government refused to admit immigrants on the ground that they were paupers; and they actually turned back men who had money in their pockets, and who had money to receive in America. They were sent back to Ireland, the action of the States causing great loss to those people. Supposing that occurred in the future, was the Irish Legislature to have the Foreign Office to fall back upon? He thought it would not, and, that being so, it might make laws prohibiting the admission of American immigrants. The Irish Legislature would, in fact, have power to pass measures which would give offence to every nation in Europe. If that might be the case as to immigration, what were they to say as to the expulsion of aliens? He wondered what those who were qualified to instruct them in history would say on this point? Were they to leave it in the power of an Irish Parliament to expel all aliens at the same time

that they allowed it to, possibly, complicate all their relations with foreign countries? It was absolutely necessary that the intention of the Bill and its provisions should give cohesion to one another. They could not allow the Irish Government to affect their relations with other countries. All the questions as to domicile, which they had been discussing to-night, would arise on this clause. [*Interruption.*] He regretted that the hon. Member for Mid-Cork (Dr. Tanner) was reduced to inarticulate efforts on this Bill. [*Cries of "Order!"*] But the hon. Member must know that the Amendment raised many points worthy of discussion, and that they could not hope to deal with them all in the course of the few minutes left before midnight. [*Cries of "Order!"*] It was his duty to enter at length—[*interruption*—]into the various questions. He had, however, no intention of prolonging the discussions in Committee. He had to point out that aliens resident in—

Dr. Tanner rose in his place and claimed to move, "That the Question be now put"; but the Chairman declined then to put that Question.

MR. BRODRICK said, he was anxious to point out to the Committee that legislation affecting aliens might be interfered with by the application of the veto, or by the machinery of one of the later clauses.

It being Midnight, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again To-morrow.

PUBLIC LIBRARIES (IRELAND) ACTS
AMENDMENT BILL.—(No. 242.)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. MACARTNEY said, that before the Bill was read a third time he should like to know what course the Irish Government proposed to take with regard to it? It seemed to him that it would be
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absolutely unworkable. It was a mere transcription of the English Bill, which would not fit in with any Act in existence in Ireland, and would require considerable amendment. He did not object to the principle of the Bill, but he could not assent to the Third Reading until he knew what steps the Irish Office proposed to take to amend it.

MR. MARJORIBANKS (Berwickshire) said, that certain Amendments were to be introduced in the Bill in another place to remedy the defects of which the hon. Gentleman complained.

MR. MACARTNEY said, that, in view of that statement, he would not object to the Third Reading.

Question put, and agreed to.

Bill read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL

ORDER (POOR LAW) BILL.

Mr. Baldwin, Mr. Billson, and Mr. Brunner nominated Members of the Select Committee on Local Government Provisional Order (Poor Law) Bill, with Two to be added by the Committee of Selection.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 6) BILL.

(No. 374.)

Read a second time, and committed.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 7) BILL.

(No. 375.)

Read a second time, and committed.

LOCAL GOVERNMENT PROVISIONAL ORDER (HOUSING OF THE WORKING CLASSES) (No. 2) BILL.—(No. 370.)

Read a second time, and committed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 12.) BILL.—(No. 365.)

Read a second time, and committed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 13) BILL.—(No. 366.)

Read a second time, and committed.

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LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 14) BILL.—(No. 367.)

Read a second time, and committed.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 15) BILL.—(No. 368.)

Read a second time, and committed.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 16) BILL.—(No. 369.)

Read a second time, and committed.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 6) BILL.—(No. 290.)

Reported, without Amendment [Provisional Orders confirmed]; to be read the third time To-morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 10) BILL.—(No. 340.)

Reported, with Amendments [Provisional Orders confirmed]; as amended, to be considered To-morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 11) BILL.—(No. 360.)

Reported, with Amendments [Provisional Orders confirmed]; as amended, to be considered To-morrow.

WATER PROVISIONAL ORDERS (No. 1)
BILL.—(No. 337.)

Reported, without Amendment [Provisional Orders confirmed]; to be read the third time To-morrow.

LAND TENURE (ENGLAND) BILL.
(No. 62.)

Order for Second Reading upon Wednesday 21st June read, and discharged.

Bill withdrawn.

ELECTRIC POWERS PROTECTIVE
CLAUSES.

SIR JOHN MOWBRAY reported from the Committee of Selection, That they had discharged the following Member from the Joint Committee on Electric Powers Protective Clauses:—Sir John Lubbock; and had appointed in substitution: Major Darwin.

Report to lie upon the Table.

MESSAGE FROM THE LORDS.

That they have agreed to,—Consolidated Fund (No. 2) Bill; Metropolitan Commons Provisional Order [Banstead] Bill.

LAND TAX COMMISSIONERS' NAMES
BILL.—(No. 168.)

Considered in Committee, and reported, without Amendment; read the third time, and passed.

MIDWIVES' REGISTRATION.

Ordered, That a Select Committee be appointed to consider the question of the compulsory Registration of Midwives.

Ordered, That the Committee have power to send for persons, papers, and records.—(Mr. Fell Pease.)

FEUS AND LEASES (SCOTLAND).

Ordered, That Mr. Hunter be discharged from further attendance on the Select Committee on Feus and Leases (Scotland).

Ordered, That Mr. Thomas Shaw be added to the Committee.—(Mr. Marjoribanks.)

PUBLIC LIBRARIES CONSOLIDATION
(SCOTLAND) ACT (1887) AMEND-
MENT BILL.

On Motion of Mr. Cameron Corbett, Bill to amend "The Public Libraries Consolidation (Scotland) Act, 1887," ordered to be brought in by Mr. Cameron Corbett, Mr. Hunter, Mr. Parker Smith, Mr. James Campbell, Sir John Lubbock, Mr. Justin M'Carthy, and Mr. Macfarlane.

Bill presented, and read first time. [Bill 386.]

WOMEN'S FRANCHISE BILL.

On Motion of Dr. Clark, Bill to abolish the Elective Disabilities of Women, ordered to be brought in by Dr. Clark, Mr. Haldane, Mr. Justin M'Carthy, Mr. John Wilson (Durham), Mr. Charles M'Laren, Mr. Jacob Bright, Mr. John Burns, Mr. Stansfeld, Mr. Webb, Mr. Cameron Corbett, Sir Charles Dilke, and Sir William Wedderburn.

Bill presented, and read first time. [Bill 387.]

House adjourned at ten minutes
after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, 7th June 1893.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 6th June.*]

[FIFTEENTH NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 3 (Exceptions from powers of Irish Legislature).

MR. BRODRICK (Surrey, Guildford), who was interrupted in his observations last night by the Twelve o'Clock Rule, said, that although he spoke on his Amendment under some difficulty last night owing to the lateness of the hour, he had had the advantage of the Chief Secretary's attention. He did not, therefore, desire to repeat the arguments he addressed to the Committee last night, and would simply sum up the effect of his Amendment. He believed that the question of immigration was almost certain to raise controversies between the Government of Ireland and the Government of the United States. Having regard to the fact that foreigners came to these countries from the United States every year, it was impossible to suppose that no difficulties would arise between the Government of Ireland and the Government of the United States, and that we might not also become embroiled with foreign nations. There would be the greatest possible temptation to the Irish Government to interfere in these matters, and the Irish Government would interfere with them without the knowledge and experience of the Foreign Office of the difficulties and dangers attending questions of that kind. Therefore, while the Irish Government would have no right to embroil us with foreign

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nations, they would undoubtedly have the power. As to the importance of his Amendment, he based his contention on the Prime Minister's declaration that these subjects were in the highest degree calculated to arouse the jealousies and susceptibilities of foreign nations, and he urged its acceptance on the grounds that immigration was not a matter strictly Irish and strictly domestic, and that to leave it within the purview of the Irish Government would be inconsistent with the words "or other relations with foreign States" which they had already introduced into the clause. Under these circumstances, it was obvious that with regard to the immigration portion of the Amendment, the Government had a case to meet. With regard to the other matter involved—the status of aliens generally—he contended that it was necessary that the status and the conditions under which aliens lived in Ireland should be excluded from the purview of the Irish Government, as they were questions which were likely to bring us into collision with foreign States. He did not think the subject was covered by the Bill, and he therefore hoped that the Government would insert such words—if they did not approve of his words—as would leave the subject without any doubt whatever. He begged to move the insertion in the clause of the words "the immigration and expulsion of aliens, the rights of aliens resident in Ireland."

Amendment proposed,

In page 2, line 6, after the word "alienage," to insert the words, "the immigration and expulsion of aliens, the rights of aliens resident in Ireland."—(*Mr. Brodrick.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): I think the hon. Member has argued his case with temperateness and fairness. We are quite alive to the difficulties that the hon. Member pointed out last night, and which he has just now briefly recapitulated. The Government view, however, is that the matter is covered by the sub-section which prohibits the Irish Legislature from making laws affecting the Imperial relations with foreign nations. As I understand it,

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most of the matters affecting aliens are dealt with in Conventions or Treaties, and, therefore, would be excluded from the purview of the Irish Legislature by Sub-section 4. However, as there may be some doubt about the matter, we are willing to meet the hon. Member, not by accepting his Amendment, which is open to some objections in point of form, but by agreeing to insert the word "aliens" after the word "alienage" in the clause. The 6th sub-section would then run—"Treason, treason-felony, alienage, aliens, or naturalisation." I hope that that will meet the views of the hon. Member. Of course, we do not contemplate—nor do we believe that it would be a fair construction of the word "aliens" in this connection—to withdraw the alien in any degree whatever from the general law of Ireland. We think the insertion of the word "aliens" will meet the legitimate objections of the hon. Gentleman, and will not claim for aliens special treatment, a matter which the Irish Government could not be expected to entertain.

MR. BRODRICK said, that the right hon. Gentleman had fairly met the point. He was quite willing to accept the Amendment the right hon. Gentleman suggested in place of his own, and he therefore begged leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. J. MORLEY: I move to insert the word "aliens" after the word "alienage" in the 6th sub-section of the clause.

Amendment proposed, in page 2, line 6, after the word "alienage," to insert the word "aliens."—(*Mr. John Morley.*)

Question proposed, "That the word 'aliens' be there inserted."

MR. T. M. HEALY (Louth, N.) thought that the word "alienage" included everything relating to the subject; and as the word was inserted by the distinguished lawyer who had drafted the Bill in that view, he objected to any other word being added to it. The Government, by accepting these small and unnecessary Amendments, were affording the Opposition the opportunity of as-

Mr. J. Morley

serting that they were amending the Bill and were making good its defects. In his opinion, the Opposition were not amending the Bill, and were not making good any of its defects—they were merely wasting time, and the Government was assisting them.

SIR HENRY JAMES (Bury, Lancashire): In my opinion, the word "alien" has a different meaning from that of "alienage," and it is necessary that it should be introduced into the Bill. I think a protest must be made against the assumption of the hon. and learned Member opposite, and of a certain section of the House, that no alterations should be made in the Bill as it is drafted, and that the Committee is bound to accept the Bill as it stands. No draftsman could perfectly carry out the intentions of the Government or the views of the House in drafting a Bill.

MR. A. J. BALFOUR (Manchester, E.): I presume that the competent draftsman to whom the hon. and learned Member for North Louth alludes is the same distinguished public officer who has helped successive Administrations in drawing up the Bills for which they were responsible. I think I am right in saying he was responsible for the drafting of many of the Bills which I myself have conducted through the House, and I do not remember having then heard this great admiration for the draftsman on the part of hon. Gentlemen below the Gangway.

MR. T. M. HEALY: What Amendments did you accept to the Crimes Act?

MR. A. J. BALFOUR: I can conceive the shriek of indignation that would have arisen from the Benches below the Gangway had some supporter of the Government got up and said that, as the Bill had been drafted by an able and distinguished lawyer, the Government ought to refuse any Amendments to the measure. The hon. and learned Gentleman below the Gangway asks whether we accepted Amendments. It is not competent for me to discuss that matter at any length now, but it is relevant to the point of the hon. and learned Gentleman, who asserts that the Government are delaying the Bill by accepting Amendments. If the hon. and

learned Member will look back to the authentic Records of the House, he will see that the late Government constantly accepted Amendments to their measures, sometimes, not because they thought the Amendments would improve the Bill, but for the sake of peace, and sometimes because the Amendments were supported by adequate argument. I do not think we have had many mercies in the way of concessions from the Government, and it is a noteworthy fact that when the Members of the Government are carrying out what they believe to be their duty in accepting Amendments to this Bill, hon. Members below the Gangway should denounce them for delaying their own measure.

MR. J. MORLEY: I think it is rather early in the day for any heat to be displayed. Upon consideration, the Government find that the word "alienage" does not satisfactorily carry out our intention to exclude the making of laws affecting aliens from the purview of the Irish Government, and we therefore propose to add the word "aliens" after the word "alienage."

MR. CLANCY (Dublin, N.) was of opinion that if this Amendment were carried they would be forbidden in Ireland from making any laws regarding aliens. Under the present Registration Law an alien could not be registered as a Parliamentary voter. Suppose the Irish Legislature chose to pass a Bill enfranchising aliens, were they to be prevented from doing so under this clause? He thought that was a strictly municipal matter. He considered that the question of the franchise rights of a man resident in Ireland, whether he was an alien or not, was a strictly Irish matter within the competence of the Irish Legislature, and the Irish Legislature ought to be competent to deal with it. He would suggest that before the Government accepted this Amendment they should place it on the Paper, so that hon. Members might be allowed to consider what its effect would be.

MR. SEXTON (Kerry, N.): I venture to point out—and I think the learned draftsman will agree with me—that the insertion of the word

"aliens" in this Amendment is inconsistent with the drafting of the clause; for if the right hon. Gentleman will turn to the clause, he will read that the Irish Legislature shall not have power to make laws in respect of certain matters, or any of them. It is subjects, not persons, that are dealt with in that clause, and by introducing persons you include something which the clause was not intended to include. If the right hon. and learned Gentleman will look down through Clause 3 he will find enumerated the subjects which are excluded from the Irish Legislature—

"The Crown, the making of peace or war, the Naval or Military Forces, treaties and other relations with foreign States, treason, beacons, lighthouses,"

and so forth. Now, for the first time the right hon. Gentleman, by the Amendment which he has accepted, has introduced quite a different principle of enumeration. Alienage is a matter which is properly included in the clause; but by introducing persons by means of the word "aliens" you introduce a new kind of enumeration.

An hon. MEMBER said, the words "Lord Lieutenant" already appeared in the clauses.

MR. SEXTON: The Lord Lieutenant as a Representative of the Crown and as exercising certain functions. You could not deal with it otherwise there. There is a duplication in speaking of alienage and then introducing the word "aliens." I fear that the addition of the word "aliens" after the word "alienage" may be open to some misconception and confusion. The meaning of the word "alienage" is clear—that the Irish Legislature should not have power to make laws in regard to aliens so far as regards their condition of alienage. Of course, aliens living in Ireland may have many other relations to the Municipal Law in Ireland besides that which relates to alienage; and if you introduce the word "aliens," you debar the Irish Legislature from making any law with respect to aliens in any aspect, of their interest. Aliens have ordinary interests as resident members of the community in Ireland. I submit that there is a very embarrassing and

a very doubtful extension given to the clause by the insertion of these words. If they were introduced, I am not sure whether the Irish Legislature would not be debarred from legislating with regard to aliens in those matters in which they would have a perfect right to legislate with regard to other persons resident in Ireland. The matter is one which requires consideration as to whether your intention is not exceeded by the introduction of this word "aliens," and whether aliens, in regard to the ordinary rights and interests of persons living in Ireland, would not stand in a different relation to the Irish Parliament and its powers from that of every other person in Ireland. I therefore press for a modification of the position of the Government on this question. The introduction of a word of this scope without notice is certainly objectionable. I have already made a protest against that course. ["Oh, oh!"] If anyone has a right to protest, an Irish Member has it, and I am perfectly within my right, and am speaking in a perfectly reasonable spirit when I say that in an Act which is to form the basis of the Irish Constitution in the future, a word which greatly enlarges the operation of the clause should not be introduced without notice and without time for consideration before the Debate comes on. I press upon the Government the duty of postponing any action in the matter.

MR. HALDANE (Haddington) said, they always listened with respect to the Irish Members, because they were very often right; but he thought upon this occasion the criticism which was made, more especially by the hon. Member for North Dublin, was too fine. The hon. Member's objection was that if they inserted the word "alien" it would prevent the Irish Parliament from legislating with regard to their own franchise. All enfranchising Acts were local Acts; and notwithstanding that the Irish Parliament was precluded from legislating about aliens, it would be distinctly within the power of the Irish Parliament in extending the franchise, to give rights to people who had not got them before, or to withhold those rights from a particular class, whether they were aliens or

Mr. Sexton

not, so that the objection was not one which was sustainable. But on the wide ground which the hon. Gentleman opposite put, that there was a danger of their accepting an unnecessary Amendment, in this respect he doubted that. In 1891 a case came before the Privy Council which had thrown considerable light upon this topic. Under the Act of 1855 power was given to the Government of Victoria to make laws for the Colony. Under the provisions of that Statute an Act was passed in 1865 interfering with the right of Chinese immigrants to come into the Colony by imposing a tax upon them. In 1891, for the first time, the question of its validity—and, indeed, the question of the validity of the action of the Victorian citizens in refusing to permit Chinese immigrants to land on their shores—was raised, and it was admitted that the Crown having assented to the Act of 1865, the power of interfering and dealing with aliens generally was within their competence. Although in the present case the words were exclusively relating to Ireland, he thought after the word "alienage" it was necessary to put in the word "aliens" for the purpose of maintaining a general principle. He took that general principle to be that the Government of Ireland would not desire, and ought not, to interfere in international matters; and it was distinctly laid down, in the case to which he had referred, that the status and rights of aliens were matters of International Treaty, and for this reason: while, by the law of this land, there was no power, in the absence of a Statute, to report an alien, there was power to refuse him permission to land. The whole subject of aliens was one properly for international consideration, and, that being so, it seemed to him right that they should include the word "aliens."

MR. T. M. HEALY: I should like to ask the hon. and learned Gentleman the Solicitor General a question. At the beginning of the Session the right hon. Gentleman the Member for the Thanet Division of Kent (Mr. J. Lowther) brought forward a Motion with regard to pauper aliens, endeavouring to exclude a number of persons whom he described as injurious to this country. Let us suppose a number of persons landed in Dublin in

a state of poverty by some foreign Government, and that they became a danger and flooded our poor houses. We should have no right to deport them. The Cork workhouse is continually charged with a number of aliens, who are sent here from America under circumstances that it is needless to discuss. As I understand it, under this Amendment we should have no power whatever to say that these persons should not be brought in to be a burden upon the country. That is an entirely different proposition from the proposition with which we started—namely, that as regards the international question of aliens, we should have no right to affect the status of any Body. I agree with my hon. Friend the Member for North Kerry. I regard these words as affecting not matters, but persons. I do regard them as importing subjects which may be troublesome hereafter, and I think they are most objectionable.

*MR. BLAKE (Longford, S.) : My impression is that the word "alienage" is adequate to the objects avowed by the Government. The question of alienage in the sense in which the Government desires to deal with the subject is not exclusively Irish at all ; but if "aliens" is to be introduced, if the question of making laws relating to persons who happen to be aliens is to be entirely excepted from the powers of the Irish Legislature, then with reference to all municipal questions, with reference to all questions of restrictions in the holding of property and so forth, you may have a separate set of laws for the purely domestic concerns of Ireland, so far as they relate to persons who happen to be aliens made by this Parliament, while the Irish Parliament will have no power to deal with that subject at all. In other countries which are generally regulated by the principles of British liberty, it has been found advisable, from time to time, largely to increase the liberty which is given to aliens to hold property, and so forth. In some of the United States of America very wide liberty is given with regard to the holding of property ; it is given in some of the Provinces of the Dominion of Canada. I should regard it as extremely question-

able whether the amplification and whether the restriction of the power of aliens to hold property would remain within the competence of the Irish Legislature if these words are introduced. I do not desire to press that to a decision. I merely reinforce the suggestion that concessions of this kind by the Government should not be made upon the moment, but that some opportunity should be given of considering their effect and force before the final decision is taken.

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar) : If I thought we were introducing a new principle here, I should be of the same opinion as that expressed from the opposite Benches, that a new principle ought not to be introduced without due consideration—which certainly has been given to this matter on the part of the Government—but also opportunities for due consideration given to all sections of the Committee. But I really think the objections which are taken from the opposite Benches, to a certain extent, are rather too remote and too refined to be of any importance. Undoubtedly, in the first instance, when the word "alienage" was used, it was the intention, taken in conjunction with other parts of the Bill, to prohibit any special dealing with aliens, treating such a matter as an international affair, because we have Treaties—I cannot say how many or how few—upon the subject. But there are important Treaties on the subject. We had recently an important Convention with the Empire of Germany with regard to navigation ; and under that Convention we strictly stipulated with the German Empire that there shall be equality of treatment in Her Majesty's dominions of German subjects and in the dominions of the German Emperor with regard to British subjects. There are other Treaties which very naturally affect our position with regard to European and other countries with reference to the treatment of aliens. For that and other purposes, and especially because this does not in any way fall within the lines of the Bill, which gives to the Irish Legislature only the right of dealing with matters exclusively Irish,

we have been of opinion, and I am prepared to say now we are of opinion, that as the Bill stands, and without the introduction of that word, the effect would be precisely the same as when the word was introduced. It has been pointed out that there might be some doubts upon the subject, and we thought it best to get rid of the doubts and difficulties by the simple introduction of a word which, in our opinion, does not alter the spirit or affect the operations of the Bill in any way. Any general Municipal Act would not be an Act with regard to aliens. It is not intended that aliens are to form a privileged class, who are to be freed from any ordinary legislation of the Irish Legislature; but a general law would affect them as it affected the rest of the community. The Irish Legislature, however, will be prevented from making any law with regard to them alone. By our recent legislation in England and Ireland—I do not know about Scotland—aliens are entitled to hold property practically upon the same terms as subjects of Her Majesty. That is a matter of great importance, because we are perpetually in negotiation with foreign countries. They like to see what sort of privileges we give to their subjects who reside among us; and they will give us about as much as we give them, and not a jot more. The result is, we take these Acts and say, "This is what we have done for your subjects; won't you do the same for us"? and they go and do it. If we had two Authorities dealing with such questions, and a line being drawn entirely with regard to these things as affecting Ireland, it would lead to difficulties, and by the word "alienage" it was intended to take away from the Irish Legislature the power and responsibility of dealing with aliens in an exceptional manner. I think hon. Members will see that it is for their interest and for ours that we should be in a position to make the best possible terms, and that there should be but one Authority to make terms from time to time with foreign countries. If the Irish Legislature were fixed with the duty of making such terms, they might do something that might run counter to other negotiations going on at the same time through the Foreign Office; and they might without knowing it—for they could not have the full means of knowledge given

Sir J. Rigby

to the authorities of the Foreign Office—be doing something which would deprive them of a great deal of those privileges which British subjects possess in foreign countries.

*MR. H. L. LAWSON (Gloucester, Cirencester) said, the hon. and learned Member for North Louth had suggested as a possible occurrence with reference to these words the lumping down by some foreign country of a number of pauper aliens in Dublin. He should like to follow up the line of argument pursued by the Solicitor General, and say he held that would be distinctly an Imperial matter for the Imperial Government and Parliament to deal with. He could not conceive of anything more calculated to disturb and embitter foreign relations than any action taken by the Irish Executive or by the Irish Legislature which would interfere with the rights secured to them by Treaties, with Russia for example, as to Russians who had taken up their residence in Dublin. If there were any doubts as to the words in the Bill, then it was highly necessary to add the word suggested by way of amendment. There was a question not long ago with the Australian Colonies, Victoria in particular, of much delicacy and difficulty in regard to the settlement of Chinese, which very nearly led to a serious state of friction between the Imperial Government and the Government of the Chinese Empire. If that took place with regard to a state of things arising in the Antipodes he thought it possible it might occur also in regard to Ireland, and he thought it absolutely necessary that words should be inserted which would secure to foreign subjects who took up their residence in Dublin or any other part of Ireland the rights which were common to aliens in every part of Her Majesty's Dominions.

MR. JAMES LOWTHER (Kent, Thanet): I feel bound to say a few words upon this matter. The hon. and learned Member for North Louth referred to the Amendment which I brought forward upon the Address deal-

ing with the question of alien immigration into the United Kingdom. The hon. and learned Member has informed the House, what I have reason to believe is the case, that in Cork a large number of persons who are subjects of foreign States are made chargeable upon the ratepayers of that county. I quite agree with the hon. and learned Member that is a monstrous state of affairs. I am speaking my own sentiments, but I do consider if there is a *bonâ fide* Irish grievance it is such a one as the hon. and learned Gentleman very properly called attention to. That we should refuse the Irish Government of the future power to prevent such a grave injustice as a large number of foreign subjects becoming chargeable upon the local revenue of Ireland is a state of matters which the Committee ought to contemplate and be prepared to do one of two things: either the Imperial Government ought to be prepared to apply a remedy itself, or else allow others to do that which it is unwilling to do. That is a point the hon. and learned Member very properly emphasised, and one which I think the attention of the Government ought to be promptly addressed to. It is obvious that if we were to hand over to the Irish Parliament in future the power to pass laws which might conflict with our Treaty obligations, we should be creating a state of affairs replete with danger; and on that I fully agree with the Solicitor General. But I think the hon. Member for Louth has shown that Ireland, in this respect, has a claim upon the consideration of the Imperial Parliament; and if the Imperial Parliament is not prepared to discharge its manifest duty, he may very well say—"You ought to allow us the power which you yourself decline to exercise." I would suggest to the Government that they should without delay see that laws applicable to the United Kingdom are so framed that the injustice at Cork, or the grave injustice at Glasgow, to which attention was called the other day, can be remedied by some authority or other. I hope the result of this discussion will be that the Imperial Government will undertake to remedy a state of affairs which is capable of inflicting grave injustice upon various sections of the United Kingdom,

and from that point of view the discussion will not be in vain.

MR. SEXTON: After hearing the speech of the Solicitor General, I am inclined to think that there is no material difference in substance between him and the Irish Members. The hon. and learned Gentleman has argued that the introduction of the word "aliens" adds nothing to the force of the word "alienage," which is already in the Bill. If that be so, there is no material contention, because we are agreed that the subject comprised in the word "alienage," which is a subject easily understood, is one that we would not desire at all to bring within the powers of the Irish Parliament. It is strictly an Imperial subject, and one with which we have no desire to interfere. But observe that you have made this subject, and this subject alone, a matter of double reference in this clause. Every other subject is referred to once. This subject is referred to twice—by reference to the matter, and by reference to the persons who are the subject of the matter. If you thought that the word "aliens" added nothing to the word "alienage," you might have left "alienage" to stand alone. It is rather unfortunate that a word which adds nothing to the force of the Bill, but yet which creates some doubt and apprehension in many minds, is to be introduced. I would be disposed to say this: I fear that any lawyer going into the Act hereafter would be of opinion that the word "aliens" added something. [Sir HENRY JAMES: Hear, hear!] I see that the right hon. and learned Member for Bury agrees with me—because he would say that if it added nothing the word "alienage" would have been sufficient. You have put in treason here, but you have not put in traitors as well; you have put in treason-felony, but you have not put in treason-felons. If it should appear on further consideration that the insertion of the word "aliens" does not cramp the Irish Legislature in regard to domestic matters, and that the subject is to be limited to the condition of aliens as such; we should be disposed not to prolong the Debate on the subject; but if it should appear upon consideration that the

insertion of the word does add something to what was imparted by the insertion of the word "alienage," then I think we must reserve our rights to return to the subject at a later stage of the Bill.

SIR H. JAMES expressed the opinion that the word "aliens" added materially to the Bill. Aliens could not vote in this country. Under the Bill the Irish Legislature had power to deal with the election laws, which were defined as including franchise in Ireland. If the word was not put in the Irish Legislature could say that the period of residence should be for one week, and that every alien should vote. They could not do so, however, if the Amendment was adopted. Therefore, there was a distinct addition to the Bill by inserting the word "aliens." "Alienage" represented the general status as opposed to "naturalisation;" "aliens" represented the individual.

MR. W. REDMOND (Clare, E.) protested against the acceptance of the Amendment. He failed altogether to recognise anything in the speech of the Solicitor General which should change the opinions which had been expressed from the Irish Benches on this matter. They were all anxious that this Bill should go through as quickly as possible, and, that being so, he could not see for the life of him why a Debate should be introduced and then allowed to collapse without having any result whatever. His principal objection to the Amendment was the quarter from which it had proceeded. He had not the slightest objection to any reasonable Amendment which the Government or the framers of the Bill might consider it necessary to make; but he thought it was an extremely unfortunate thing that if anything necessary had to be done with regard to this Bill, or if any alteration of a necessary character had to be made, it should not be made by the framers of the Bill instead of being left to hon. Gentlemen who had declared over and over again that their object was to destroy the measure and make it utterly worthless. He, therefore, looked with great suspicion upon the Amendment, which he did not think would have been

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proposed if it were not considered to be a considerable curtailment of the rights of the Irish Parliament. There were many matters in which the rights of the proposed Legislature had been, in the opinion of many people, unwarrantably curtailed; and it was a monstrous thing to now propose to prevent the Irish people from having the power to deal with aliens resident in Ireland. That was surely a subject which should be left to the Irish Parliament, and he failed to see how it could cause any friction between the Imperial and the Irish Parliament. He based his objection to this Amendment, not because he thought it curtailed the right of the Irish Parliament, or dealt with a subject which should be left to the Irish Parliament, but because he believed if they made the Imperial Government the only Government having the right to deal with this subject it would give rise to discussions and differences of opinion between the Legislature in Dublin and the Imperial Parliament.

SIR J. RIGBY said, he would endeavour to remove the scruples of the hon. Member for Clare. If he thought the introduction of this word would prevent legislation with regard to aliens in common with all other persons resident in Ireland he would strongly oppose it. But it was, he thought, reasonably plain that it did not at all interfere with the right of taxing aliens, not because they were aliens, but because they were resident in Ireland, or with the right to pass any law with regard to civil property which would apply to aliens, not because they were aliens, but because they were members of the Irish community. Turning to the statement of the right hon. and learned Member for Bury, he would go so far as to say the Irish Legislature might pass a General Franchise Act, providing, for instance, that every person residing in Ireland for a week or a month should have the right to vote. That would not be a law as to aliens. It would give the privilege of the franchise to persons whether from Canada or Great Britain or from all parts of the world, not because they were of this country or of that, but because they were resident in Ireland for the time being, and subject

to the general laws of the Irish Legislature.

Mr. MATTHEWS (Birmingham, E.): What has just fallen from the Solicitor General gives a singular importance to this Amendment. As I understand this word "aliens," it adds immensely to the force of the clause. The word "alienage," I take leave to say, is not an English word, but is a word used by American law writers. It is extremely difficult to say what its meaning is; but if it has any meaning at all, it means simply the state of being an alien; and if it stood alone in the Bill the Irish Parliament could, no doubt, repeal the Alien Act, could give the franchise to aliens, and could deal with the rights and conditions of aliens resident in Ireland as it pleased. In my judgment, by the introduction of the word "aliens" the Irish Parliament will, as it ought to, be prevented from dealing with these matters. It would be an evasion of the plain intention which the Government have themselves expressed if, under the colour of general words dealing with franchise and residence, the present provision of the law against the franchise being enjoyed by aliens were to be subverted and put an end to. It would be practically conferring on aliens a privilege which they do not enjoy, and, therefore, would be "legislation respecting aliens." I can quite understand that the Solicitor General should try to soothe hon. Gentlemen from Ireland on this point; but I think it right to say that, in my view, the introduction of this word would clearly prevent the Irish Parliament from declaring by Statute that an alien should enjoy the franchise.

Mr. SEXTON remarked, that the force of this word seemed extremely doubtful. The most eminent Legal Authorities in the House were in conflict on the subject. The Irish Members were not lawyers, and they had not had time to consider the word. It appeared to him to be open to the interpretation that it would create two classes of persons in Ireland, and that the rights of the Irish Legislature would be different with regard to aliens, and to the community at large. He would vote against the intro-

duction of the word, first, because he was entirely doubtful as to its force and effect; and, secondly, because, as they had protested against the introduction of important words without notice, they considered that in this case they should have had sufficient notice to have enabled them to consider the Amendment.

Mr. COURTNEY (Cornwall, Bodmin) protested against the proposition that had been put forward by hon. Members below the Gangway opposite, that the Committee were not to consider any Amendments to the Bill, even though they might be accepted by Her Majesty's Government, simply because those Amendments in their present shape had not been upon the Paper. The Amendment proposed by the Chief Secretary was much smaller in its construction, and amounted very much to the same thing as the Amendment proposed the previous night, and which had been on the Paper for many days. With reference to the substantial question at issue, the Solicitor General had raised a point of considerable importance which ought to be elucidated before they went further. He, himself, had endeavoured to make out what the meaning of "alienage" was, and he had not been able to come to any clear conclusion. The only conclusion he arrived at was that the interpretation given to it a little while ago by the Chief Secretary was not the right interpretation. The Chief Secretary said the word "alienage" must be taken in connection with the word "naturalisation." Naturalisation was, of course, the process which converted an alien into a natural born subject. Alienage, according to the Chief Secretary, suggested the turning of a natural-born subject into an alien. That construction, he thought, was not accurate, because there was no such possibility known to the Common Law as the possibility of a natural-born subject becoming an alien. The word itself, therefore, being very obscure, the word it was proposed to substitute for it, or add to it, was very clear. It imported that the Irish Parliament should not be able to make or pass any law affecting aliens. The Solicitor General had stated that they might pass a general law as regarded

enfranchisement without mentioning aliens which should, at the same time, enfranchise aliens. He differed from the acceptance of that principle without further consideration. It had been well said that if they were to pass an Act giving the Parliamentary franchise to women, *simpliciter*, possessing the qualifications under which men now obtained the franchise, married women would not be thereby enfranchised. They were under a Common Law disability which would not be removed by a general Act. He submitted that aliens under Common Law were disabled from being voters, and a General Enfranchising Act which did not mention aliens would not give them power to vote or remove their disability. They must have specific and definite legislation with respect to this class in order to enable them to obtain a vote; therefore the introduction of the word "alien" at this point had a very clear effect, which was intended to be given—namely, to disable the Irish Parliament from passing any law affecting aliens, and, therefore, from passing any law giving them the franchise.

MR. KNOX (Cavan, W.) contended that if the meaning of the word was to create in Ireland an excepted class of persons who would be subject to Imperial and not to Irish law, the matter should be dealt with among the restrictions in Clause 4. He, therefore, asked the Government to postpone it until they came to that clause.

VISCOUNT CRANBORNE (Rochester) said, if the speech of the Solicitor General had been unbiassed by a desire to conciliate hon. Members below the Gangway he should have been disturbed at its tenour, because, in common with his hon. Friends on that side of the House, he was anxious to support the Amendment for the very reason that the Solicitor General excluded—namely, that it would, in their judgment, prevent the Irish Parliament from enfranchising aliens. That, of course, was the real reason why hon. Members below the Gangway so strenuously resisted it. Their real reason for resisting it was because they wanted to enfranchise in Ireland every Irish-American immigrant

Mr. Courtney

who came over to Ireland in order to disturb the peace and good order of the country. That they should be enfranchised would not be at all surprising, considering the relations that subsisted between the Irish-Americans and hon. Members below the Gangway. Let hon. Members sometimes be honest in that House. [MR. T. M. HEALY: Hear, hear! "Hottentots!"] Let the Irish Members get up and say what was their real meaning in opposing this Amendment. He respectfully invited Her Majesty's Government to be candid also. He gave Her Majesty's Government the credit for proposing this Amendment because they desired that Irish-American immigrants should not be enfranchised. Why should Her Majesty's Government always be occupying the humiliating position of apologising to the Irish Members for accepting an Amendment? They might assume that if they inserted this word "aliens" in the clause, they should prevent, as they ought to prevent, the Irish Parliament from enfranchising aliens, and especially the class to which he had alluded.

MR. W. E. GLADSTONE: No other hon. Member taking part in this Debate has found it necessary to introduce contentious matter into the discussion; and the felicitous distinction which the noble Lord enjoys is that, after everybody has more than once avoided running upon any of these rocks, the noble Lord was determined that there should not be a rock in the whole waters on which he would not dash himself. The question before the Committee is not whether the Amendment does or does not add to the original intention of the Bill. The question is, what does the Amendment import, and are we willing to accept it? It is pretty clear that it does import a certain disability on the Irish Parliament in regard to enfranchisement. But in these matters it is, as my right hon. Friend the Home Secretary has well said, a question of balance. What the Government have in view is the insertion of words large enough to cover every subject that could possibly attach to the foreign relations of the country. It is for the Irish Members to consider whether they will accept the Amendment. I rather hope

they will, for I really do not think there is any reason for their doing otherwise. The purpose of the Government is not to disable the Irish Legislature, but to extend the provisions of the Bill with regard to what is essential—namely, the maintenance under Imperial control of Imperial questions.

*MR. GIBSON BOWLES (Lynn Regis) agreed with the Irish Members in objecting to this word. It seemed to him, if they were going to set up a Parliament in Ireland within the scope of its functions, they should extend its powers as far as possible. It also seemed to him that in introducing the word "aliens" into the clause they were introducing into Ireland what, for the misfortune of certain Eastern Countries, they had long introduced and maintained there—namely, a system of extra-territoriality. They proposed to withdraw from the Irish Government the power of dealing with aliens resident in Ireland. The effect of the adoption of such a principle would be to encourage in Ireland—as it had encouraged in Turkey—the commission of crimes by persons who felt they were not subject to the laws of the country in which they lived. If they made the distinction in favour of Englishmen—if they said no Englishmen should be subject to the laws of the Irish Legislature—he could understand it. Still less could be said against it if it were to apply to the Irish people. But they were going to give this immunity in Ireland to aliens alone; and he thought the principle most objectionable from the point of view of England, but still more objectionable from the point of view of those who would have to manage the affairs of Ireland. He did not desire that the Bill should pass; but if it was to pass it ought to be shaped so as to enable the new Irish Government to do its work effectively, and this the Government could not do if a large class of persons within the limits of its jurisdiction were withdrawn from its control. He would, therefore, vote against the Amendment.

Question put.

The Committee divided :—Ayes 328 ; Noes 139.—(Division List, No. 123.)

MR. SEXTON said, he desired to move an Amendment to make clear the meaning and scope of the word which had just been introduced.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. SEXTON said, that any hon. Member who listened to the course of the Debate on the last Amendment must admit that it was open to some conflict of opinion as to the extent of the word which had just been introduced. For example, the Solicitor General had said that the introduction of the word "aliens" added nothing to the force of the word "alienage" already in the Bill, whilst the late Home Secretary and the right hon. Gentleman the Member for Bury were of opinion that something very material had been added. He wished to move an Amendment for, in his judgment, the indispensable purpose of making clear the meaning of the word, which differed from alienage, and which stood on different ground from any other proposal in the Bill. In regard to other subjects, they had been content with reference to matter simply. In this case they had referred first to the matter of alienage and then to aliens. In his judgment, the reference to alienage included all that it was necessary to include. He could not agree with the right hon. Gentleman the Member for Bodmin—and, of course, on such a subject, he spoke with great diffidence—as to the meaning of the word "alienage." Judged by the right hon. Gentleman's language, it did not mean a conversion from one state to another—it meant a condition.

MR. COURTNEY said, he did not deny that it did not mean that.

MR. SEXTON said, he had misunderstood the meaning of the right hon. Gentleman. The right hon. Gentleman evidently was at one with him in reading that "alienage" meant the condition of an alien.

MR. COURTNEY said, he had spoken negatively—to say that it did not mean that which the hon. Gentleman said it did not mean.

MR. SEXTON said, that practically, therefore, there was no difference between them. He submitted that "alienage" related to the condition of aliens; therefore, when they provided that the Irish Legislature should not make laws in respect of alienage, they provided that the Irish Parliament should not make laws touching any alien—touching his condition as such alien. Then they had added the word "aliens," and when they did that they did something that was open to the presumption that in addition to excluding the subject of alienage, which related to the condition of an alien, from the Legislature of Ireland, they, in some manner more or less open to doubt, barred legislation as affecting persons who happened to be aliens, beyond the scope of what they had asserted was the condition of such aliens. If these disputes arose on the instant—during the passing of the Bill—between eminent lawyers, what was to happen hereafter, when the clause came before the Judicial Committee, or before an Inferior Court, to be interpreted—because they had heard in the course of these Debates that the language of the Bill, when it became an Act, might be interpreted not only by the Judicial Committee, but by every Court in Ireland, down to the lowest. What would the Exchequer Judges in Ireland say when they found that at first the subject of alienage was dealt with, and that they advanced from alienage to deal with persons as aliens? He thought they would be disposed to infer that the Bill did not refer to the question of alienage, but touched individuals. He would not waste time by dealing at length with the absurd assumption of the noble Lord above the Gangway, who had evidently been trying to make stock-in-trade for Tory platforms hereafter. It was as well to give an emphatic and unequivocal denial to the statement of the noble Lord. He had said the Irish Members objected to this word, because they wished to enfranchise aliens in Ireland. He (Mr. Sexton), however, understood that under Common Law aliens had never been allowed to vote. The Irish Members had no desire nor intention to interfere with that subject. The position of aliens was defined by three different

authorities—by the Common Law, by Imperial Statutes, and by Treaties. By one or other of these three authorities rights were conferred or disabilities were imposed on aliens. The Irish Parliament would not desire to touch those rights or disabilities. They had nothing to do with it. Let the condition of aliens remain, so far as the Irish Parliament was concerned, as it was, whether as to the rights conferred, or as to the disabilities imposed, whether those rights were conferred, or disabilities imposed by Common Law, by Statutes passed now or hereafter, or by Treaties yet to be made. But aliens residing in Ireland ought to be subject, like other people, to the laws made by the Irish Legislature—laws within its sphere of legislation. That was the object of the Irish Members. They wished to make that clear. They had no other object. An alien, as an alien, was outside their purview. The Amendment he now moved was intended to make it clear that there should not be two classes of persons resident in Ireland. He moved to insert after the word "aliens" just added to the clause, the words "as such." That would exclude from the sphere of the Irish Parliament everything relating to aliens as such—their rights and disabilities, no matter how those rights and disabilities arose. It would make clear what he thought the Irish Members had a right to ask to be made clear—namely, that all persons resident in Ireland should be equally subject to the laws of the Irish Parliament, while the Irish Parliament would not intrude within the sphere of the Imperial authority.

Amendment proposed, in page 2, line 6, after the word "aliens," to insert the words "as such."—(Mr. Sexton.)

Question proposed, "That the words 'as such' be there inserted."

MR. J. MORLEY: I have considered very carefully what the bearing of the introduction of these words will be. Now, why did I accept in principle the Amendment of the hon. Member for the Guildford Division (Mr. Brodrick), and why did I propose my own word in substitution for his? It was because, after very full consideration with the Legal Authorities, we felt that the word

"alienage" might be so construed as not to cover cases which it was desirable to cover. It has been suggested that the place for dealing with this subject is in Clause 4. That is not so. The subject of alienage must be dealt with in Clause 3, because that clause deals with special Imperial topics—that is to say, with topics and subjects which might bring the Imperial Government into relation with some Foreign Power. The whole principle of Clause 3 is that certain subjects should be excluded from the purview of the Irish Parliament. My hon. Friend who has just spoken thinks that the word "aliens" is too wide, just as the word "alienage" was held by lawyers to be too narrow. He therefore proposes to follow it by the descriptive words "as such." I am not at all sure that these words will carry out some of the objects that are mentioned by my hon. Friend. I do not think they will carry the Amendment which has just been introduced beyond the meaning we had in proposing it, and I have, therefore, no objection to the proposal.

MR. BRODRICK said, the right hon. Gentleman had put rather a serious complexion on the change of front which the Government had just adopted. The object of that Amendment was to prevent the Irish Government dealing with questions of immigration in a sense different from that in which the Imperial Parliament dealt with them. Immigration affected British subjects as well as aliens; and he wished to ask the Solicitor General whether it was or was not the case that, under the restriction proposed by the hon. Member for Kerry (Mr. Sexton), immigration might be generally prohibited, and the landing of all aliens might consequently be stopped?

MR. SEXTON said, he thought this could not be done. The immigration of aliens was a matter which so closely concerned Imperial Authority that he did not think it could be dealt with by the Irish Legislature.

MR. BRODRICK said, the question was one of legal definition. Could not the Irish Legislature pass a Resolution which would have the effect of embroil-

ing the foreign relations of the country without dealing with aliens "as such"? Two-thirds of the immigrants who entered Ireland were British subjects, whilst only one-third were aliens, so that it would be perfectly possible for the Irish Government to declare that they were dealing generally with the subject of immigration when their object was really to exclude aliens.

SIR J. RIGBY: I think I can answer the question put by the hon. Gentleman in a very few words. The hon. Gentleman suggests that there should be such an impossible thing as a general prohibition of immigration into Ireland, and he thinks that in that respect we might get into difficulties with Foreign Powers. No Foreign Power I ever heard of has insisted upon greater rights being reserved to its subjects than are reserved or possessed by the subjects of the legislating State; therefore we could not get into collision with Foreign Powers, even in the extravagant, and I may say almost unreasonable, supposition that immigration was absolutely stopped.

MR. J. CHAMBERLAIN (Birmingham, W.): I think the Committee is landed in a difficulty by what has taken place. In an earlier part of the discussion hon. Gentlemen opposite lectured the Government very severely for having accepted an Amendment which was on the Paper, and which was covered by Amendments on the Paper. It appeared to be their view that this Bill was perfect as produced in the House, and that no alteration should be tolerated in any line or word. Of course, that is perfectly absurd, and the moment we come to anything like practical application hon. Gentlemen opposite are the first to see the absurdity of it. Although it would be absurd to say the Government should not accept an Amendment of which full notice has been given, there is a certain amount of inconvenience in accepting an Amendment which is not on the Paper, and which nobody has had an opportunity of considering. If the hon. Member for North Kerry (Mr. Sexton) thought that the words "as such" were desirable, he might have put them down as an Amendment.

MR. SEXTON : They would not have applied to the Amendment on the Paper. They only apply to the Amendment proposed without notice.

MR. J. CHAMBERLAIN : Well, it does not matter about the exact words ; the hon. Gentleman is quite skilful enough to propose words that would apply, and if he were not he always has the assistance of the hon. and learned Member for North Louth (Mr. T. M. Healy). Members of the Committee who have not the advantage of the legal advice of the hon. and learned Member, however, have some difficulty in understanding the effect of an Amendment sprung upon us at the last moment, and, I think, too hastily accepted by the Government. Do the Government mean to say it will be absolutely impossible for the Irish Parliament to pass a general law affecting aliens—a general law which includes in its ambit the question of aliens ? The insertion of the words “as such” would certainly seem, to a non-legal mind, to make it impossible to deal with aliens, and then to excuse the dealing with aliens by saying—“We are not dealing with aliens as such ; we are dealing with the general population.” Although a Bill might be brought in with the special object of dealing with aliens, it would not, if it had a general purport, be affected by this Amendment. Can the Government say that is not a possibility ? Let us suppose, for the sake of argument, that the word “aliens,” without limitation, might impose an unnecessary restriction, on the Irish Legislature. What is the worst that can happen in that case ? It is that what has to be done in the way of reasonable legislation will have to be done by the Imperial Parliament, and not by the Irish Legislature. Now, Sir, may I appeal to the Government ? Why is there this continual distrust of the British people and the Imperial Parliament ? I am not angry ; I confess I think I may say I am pained to think that the Irish Members should still entertain this rooted distrust of the good faith and common sense of the British people. It fills me with amazement that they should hunt up and down to find possible crimes that the British Parliament may

commit, and should impute to us the certainty that we shall commit them after this Bill is passed.

MR. MATTHEWS said, he had been unable to gather from the speeches that had been delivered any interpretation of the effect of these words. He had given his best attention to them ; but he had not the slightest idea what their effect would be. Would the Solicitor General tell the Committee what sort of legislation would be admitted if these words were inserted that would be shut out if they were not inserted ? The Solicitor General had seemed to hint that even if the word “aliens” were left alone aliens might be enfranchised. Was that opinion of the hon. and learned Gentleman strengthened by the introduction of the words “as such ?” Would it be competent, after these words had been inserted, for the Irish Legislature to pass a law providing that anybody possessed of Irish property who did not reside on that property for 10 months in the year should forfeit the rights of franchise or any of the rights that ordinarily belonged to British citizens ?

MR. J. MORLEY : That is not a question of aliens.

MR. MATTHEWS said, he was aware that a man in such a position would not be an alien ; but he wanted to know whether the Irish Legislature might reduce a non-alien into the position of an alien ? As a general principle, nothing could be more undesirable than to put words into a Bill upon which nobody could place any clear meaning. Of course, if this was merely an exchange of courtesy between the Government and its allies or leaders, whichever the Nationalist Members were, the introduction of the words might be regarded as immaterial ; but if it was to have any effect on the clause, he hoped some of the legal luminaries on the Government side would tell the Committee what that effect would be.

SIR H. JAMES said, the hon. Member for North Kerry had converted him on one point—namely, that it was very

unwise to insert words without giving the Committee time to consider what their meaning was. At the present moment he had not the slightest idea what meaning the Amendment would convey. Could the Solicitor General give the Committee one instance in which such words had been used in an Act of Parliament? It was better to tell the Judges what the Committee meant than to leave it to the Judges to discover what their meaning was. He asked the Solicitor General to say whether, if the Irish Legislature passed an Act providing that any person residing in Ireland should have a vote, that would not really enable all aliens to vote?

MR. BODKIN (Roscommon, N.): I wish to inform the right hon. and learned Gentleman—[*Cries of "Order!"*]

SIR H. JAMES: I am about to conclude—

MR. BODKIN: I merely wish—[*Cries of "Order!"*]

THE CHAIRMAN: Order, order! The hon. Member can speak after the right hon. and learned Gentleman has finished.

SIR H. JAMES: I would ask the hon. and learned Gentleman the Solicitor General whether these words add anything to the word "aliens"? If they do not, it is useless to insert them; if they do, will my hon. and learned Friend tell the Committee to what extent they qualify it?

MR. BODKIN wished to state, for the information of the right hon. Gentleman, that the words "as such" did occur in an Act passed by the last Parliament—the Crimes Act—in reference to the prohibition of a meeting of National Leaguers as such. The only interpretation obtained arose in the course of a protracted trial of members of the National League.

SIR H. JAMES: Will the hon. Member say what the words were held to mean?

*SIR J. RIGBY: To my mind the introduction of the words "as such" do not alter the meaning of the Act by one jot or tittle. The Committee has spent

hours and hours in discussing Amendments of which the same thing is said, and the right hon. Gentleman continually asks—"Why do you object to the addition of these words if, on your own showing, they do not alter the meaning of the Act?" The Government have again and again introduced words which do not alter the meaning of the Act in order to satisfy the doubts and scruples entertained by others, but which the Government themselves do not entertain. Why, then, should we refuse to extend the same courtesy to hon. Gentlemen below the Gangway opposite which we have shown to other hon. Members of the Committee who have proposed Amendments, particularly having regard to the fact that those hon. Members opposite have had no opportunity of considering the words proposed? The right hon. Gentleman the Member for West Birmingham seemed to suppose that notice had been given of the Amendment; but that is not the case. The word we suggested was one which we thought would in all probability meet with the unanimous assent of the House. It was assented to by an overwhelming majority; but surely, seeing that the word has been introduced without notice, an opportunity ought to be afforded to hon. Gentlemen opposite for suggesting, as they have done very temperately, that they are not quite satisfied that the view the Committee has taken is the correct one. They are justified in maintaining that it can do no harm to say that there may be legislation affecting aliens in their capacity of temporary subjects of Her Majesty. From that no possible harm can arise, and, therefore, for the satisfaction of the doubts and difficulties of hon. Gentlemen such words ought to be admitted. The right hon. Gentleman appeals to me to say whether there are such words in any Act of Parliament. But the right hon. Gentleman is not ignorant of the fact that there is no such thing as Parliamentary language in Acts of Parliament as distinguished from other language. All our Acts of Parliament are *primâ facie* interpreted according to the meaning of the words in their popular sense, and not according to technicalities of language, in the same way that a deed or any other legal document would be. Again and again it has been said—

in fact it is a commonplace—that we must not consider the strict legal meaning, but must consider the words of an Act in their ordinary popular sense. There can be no doubt that if it is said that the Irish Legislature is not to legislate for aliens “as such,” the meaning is that it shall not legislate for them in regard to their rights and disabilities by virtue of their capacity and position as aliens. A man resident in Ireland may be an alien, but that is only one name for him. An alien cannot help being subject to the laws of the country in which he chooses to reside. If a man is resident in Ireland, the Irish Legislature can deal with him in any capacity other than that of alien. By whatever designation other than that of an alien he is properly described, it may legislate for him just as if he were not an alien.

MR. RENTOUL said, that the Solicitor General had told them that the words would not add anything whatever to the meaning of the section. But the hon. Member for North Roscommon had declared that a protracted inquiry took place as to the meaning of the words “as such.”

MR. BODKIN : I never said that a protracted trial took place on these words. Two Removable Magistrates found no difficulty whatever in giving an interpretation to the words.

MR. RENTOUL said, the Solicitor General had told them that these words were useless. Why, then, should they introduce words which would add nothing to the value of the section, but which might at a trial give rise to protracted discussion ? [“Divide!”]

*MR. GIBSON BOWLES said that, as the one man on the Conservative Benches who had protested against the exclusion of aliens from the authority of the Irish Government or Parliament, he might be allowed to say that the addition to the word “aliens” of the words “as such” by no means satisfied him. The use of such words would invest everything and everybody with a dual character. There would be dual Lords Lieutenant, dual Members of Parliament, and

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so on. With such words they would be in the position of the master in the French comedy, who always had to ask his servant if he was speaking to his cook or his coachman. They had excluded the concrete alien from the purview of the Irish Parliament, and now they proposed, by the addition of the words “as such,” to introduce the abstract alien. They seemed to imply that, so far as the abstract alien was concerned, the Irish Legislature was to have no power, but with regard to the concrete alien it was to have power. When a murder was committed by an alien the question would immediately arise whether it had been done by an abstract or a concrete alien ? [*Cries of “Divide!”*] They had been told by the Solicitor General that the words added not one jot or tittle to the meaning of the Act. He entirely agreed with the hon. and learned Gentleman, and that was a most sufficient and conclusive reason why the Committee should not accept the words.

MR. A. J. BALFOUR : I do not rise to prolong this Debate. I have no desire to quarrel with the Solicitor General for trying to make peace all round by adding words which he admits have no meaning : but both the Prime Minister and the Chief Secretary think the introduction of the word “aliens” will bring the Bill more into harmony with the expressed intentions of the Government. Both the Prime Minister and the Chief Secretary stated they were of opinion that the words added by the Chief Secretary altered the substance of the Bill, and brought it more into harmony with the expressed intentions of the Government. The hon. and learned Gentleman the Solicitor General openly has avowed that no further meaning will be added to the Bill by the words “as such,” and that he assents to their introduction merely because, forsooth, hon. Members below the Gangway desire it. I am not sufficiently a lawyer myself to pronounce upon matters on which lawyers do not agree. The Solicitor General says that the Courts or Judges always interpret words in their ordinary sense. I have had a great deal to do with the drafting of Bills, and when I have endeavoured to introduce ordinary phraseology I have been inva-

riably told, by the high legal authorities whom I consulted, that such words were unusual. Ultimately I came to the conclusion that the only persons who did not understand the English language in England were the Judges. I do not think, however, this is a matter of sufficient importance either to prolong the Debate or to go to a Division. I will, therefore, recommend the Committee to accept the Amendment.

Amendment agreed to.

MR. J. G. LAWSON (York, N.R., Thirsk) said, he desired to move the insertion, after "naturalisation," of the words "or the taking of the Oath of Allegiance;" and he was prepared, if any legal Gentlemen deemed it necessary, to add the further words "or declaration in lieu of such oath." He had hoped that the Government would have accepted his proposal. Last week the Solicitor General remarked, in answer to a question, that a nation that had no power over alienage and naturalisation could have no power over the question of allegiance. In that case the hon. and learned Gentleman was speaking of the status of allegiance, and the Amendment proposed that the Irish Parliament should have no power to interfere or to deal with the outward sign of that allegiance. He was aware that Amendments coming from the opponents of the Bill were viewed with much distrust; but it was not intended by this Amendment to cast any reflection on the loyalty of the Irish Members, or to imply any doubt of their willingness to express that loyalty openly. Every one of them had taken the Oath of Allegiance without any limitation as to time or place as Members of that House; and if it could be shown that those hon. Gentlemen would, in future, monopolise all the representation of Ireland in the new Legislature, and fill all the great Public Offices to be created by the Bill, there would be no necessity for the Amendment. There was, however, a certain rule in all successful revolutions; and if this Bill was carried, the Irish National movement would, he supposed, rank in history as a successful revolution. That rule was that the more moderate leaders, who brought the movement to a successful issue, were then rapidly thrust aside by men of more extreme views. He quite admitted that the hon. Gentle-

men, who themselves had taken the Oath of Allegiance, would be willing that the others should take it; but what about their probable successors—the men who had regarded the toast of the health of the Queen as a Party toast, and whose allegiance to the Crown was not always true? It was against such men as these, if they should be called on to take any position of power in Ireland, that the Amendment was directed, and not against the present Members for Ireland. It was of great importance, bearing in mind the history of the past few years, that every man who undertook a position of power and responsibility in Ireland under this Bill should be required to openly express his fidelity to the Queen, and his intention to be a loyal subject. It might be said that promissory oaths had no great binding effect; but Parliament had always attached, and rightly attached, importance and responsibility to the Oath of Allegiance. In 1889, when it was proposed to create the Board of Agriculture, it was thought desirable to put in the Act constituting the Board a provision that the President should take the Oath of Allegiance. No one for an instant thought of suspecting either the right hon. Gentleman the Member for Sleaford or the present President of the Board of any treasonable designs, yet the House decided that they should be called upon to take the Oath of Allegiance. Again, by Act of Parliament, various public officials in Ireland were required to take the oath. Among them were the Lord Lieutenant, the Commander of the Forces, the Chief Secretary, and the Lord Chancellor. As regarded some of the offices, the Imperial Parliament would, under Home Rule, retain the power of filling them; other offices would cease to exist; but what would be the position of the Lord Chancellor? Bearing in mind the conditions under which he would hold his Office, surely it was important that he should be loyal to the Crown. At present, every judicial officer in Ireland, from the highest Judge down to the Magistrate in the smallest borough, had to take the Oath of Allegiance; so, too, did Queen's Counsel, the men of the Royal Irish Constabulary, Privy Councillors, and the holders of certain dignities. His Amendment, if carried, would enable them in the future, as they had done in the past,

to insure that those on whom public duties devolved should publicly swear their allegiance to the Queen. The Bill was somewhat obscure as to what was to be done in this matter by the Members of the proposed new Legislature. In the Bill of 1886, Clause 34, Sub-section 2, it was clearly provided that the Oath of Allegiance should be taken. In the present Bill it was provided that the Lord Lieutenant and Council should, by the day appointed for the opening of the new Parliament, make regulations for the adaptation of the laws and customs relating to the House of Commons and its Members; but he did not gather what was the exact meaning of those words. He was sure all Members of the Committee would desire that the solemn duty of performing the outward sign of loyalty which, as Members of that House, they had performed by taking the Oath of Allegiance, should be continued in Ireland as well as in England, and his Amendment would give them the power to secure that very desirable end.

Amendment proposed, in page 2, line 6, after the word "naturalisation," to insert the words "or the taking of the Oath of Allegiance." — (*Mr. Grant Lawson.*)

Question proposed, "That those words be there inserted."

MR. J. MORLEY : The Amendment is open to one objection, which precludes the Government from accepting it. No doubt the Irish Government will create a number of new offices. The hon. Member desires that those who are appointed to the offices thus set up shall take the Oath of Allegiance. But what does he do in order to secure that? He proposes to prohibit the Irish Government from attaching to those offices the obligation of taking the Oath of Allegiance, and he imposes upon this Parliament the duty of seeing that the duty of taking the oath is attached to the new offices. He does that, too, in a Bill the main object of which is to relieve this Parliament from the duty of dealing with exclusively Irish affairs. The hon. Member supposes a state of things in which the Irish Legislature would be manned by persons who own no allegiance to the Crown. In that case the serious and

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important point is that such sentiments should prevail, and not that the persons who entertain them should be free from the Oath of Allegiance. I think the hon. Member will be candid enough to admit that his proposal defeats its own purpose. I need not go into the question as to what additional sanctity is given by the taking of an oath or making an affirmation.

MR. A. J. BALFOUR : The right hon. Gentleman must feel that whatever weight in theory there may be in his argument, it has very little force in practice. According to the Prime Minister, the chief function of the Irish Legislature in relation to offices will be in the direction of abolition rather than of creation, for we are constantly told that the Public Service in Ireland is over-manned. Under the present state of things, every Judge and Magistrate in Ireland is bound to take the Oath of Allegiance; and the question is, whether the Irish Legislature ought to be able to put an end to that condition or not? In the House of Commons it has always been thought desirable that the holders of offices should publicly pronounce themselves loyal subjects to the Queen; but unless the Amendment is put in the Bill, it will be in the power of the Irish Legislature to abolish this safeguard, whatever it may be worth. If it is intended that the new Irish Legislature shall take the Oath of Allegiance as the House of Commons does, and that the new Irish Judges and Magistrates shall take the Oath as the existing Judges and Magistrates do, then let the intention be embodied in the Bill. I cannot conceive how anyone can object to that. Hon. Members below the Gangway have been under the suspicion that in some of their actions loyalty has not occupied a prominent place, and therefore they ought to hail this opportunity of declaring that they do not intend any disloyalty to the Crown. The Government and hon. Members below the Gangway will be guilty of a great indiscretion in refusing that which, as far as paper safeguards can go, will enforce the duty of loyalty to the Queen. If the hon. Member goes to a Division I shall certainly vote with him.

MR. COURTNEY said, he hoped that the hon. Member would not go to a Division, as in that case he should have

to vote against the Amendment. He did not regard these Oaths of Allegiance as of any value. Though they might have some influence with a tender conscience, they never captured a robust conscience. The Committee would remember the case of Louis Napoleon in France, to whom an Oath of Allegiance was given by many, who subsequently broke it. He would not take away from the Irish Legislature the power of dealing with the Oaths to be taken by its Members, and on that ground he should vote against the Amendment if it were pressed to a Division.

MR. GOSCHEN (St. George's, Hanover Square) said, it might be a question to what extent oaths were useful in the case of people of "robust conscience." But if there was to be an abolition of the Oath of Allegiance, should not it be by general law applicable to the whole of the United Kingdom? He gathered that there was a sentiment on the other side of the House against imposing these Oaths at all; but such a sentiment ought not to influence the Committee in deciding on this particular proposal. After all that had passed in Ireland, was it wise to give the Irish Legislature the power of abolishing the Oath of Allegiance which was still taken in this country? Looking to the views which were held as to the possible absence of thorough loyalty in Ireland, would not an unfavourable impression be left on the public mind if the Irish Legislature were given the power of dispensing with the Oath of Allegiance? This was not a purely Irish affair. The Oath of Allegiance was of importance to the Empire at large, and a painful effect on public opinion as regarded this Bill would be produced if the Government showed themselves prepared to liberate Ireland from the obligation of imposing on its public officials the duty of taking the Oath of Allegiance, which, though in all cases it might not be binding on individual consciences, would be a declaration on the part of Parliament that those who took office should own allegiance to the Crown.

MR. LITTLE (Whitehaven) said, it seemed to him that the Amendment was directly intended to prevent the Irish Parliament doing the graceful act of pronouncing by its own Legislature that it accepted this Bill as a settlement of

the great controversy between this country and Ireland. We ought to give the Irish Parliament the opportunity of legislating upon the subject, because if they had the opportunity they would be able to show to the whole world, by not destroying the Act of Allegiance, that they accepted the Bill as a settlement.

MR. T. W. RUSSELL (Tyrone, S.) said, he did not know the object of the speech of the hon. Gentleman who had just sat down, or its bearing on the Amendment. The speech of the Chief Secretary, however, appeared to him to be a speech in favour of the abolition of Oaths. That might be a right or a wrong thing to do—there was a feeling in regard to it—but if Oaths were to be abolished—

MR. J. MORLEY: I said nothing to that effect.

MR. T. W. RUSSELL: The whole drift of the right hon. Gentleman's remarks was apparently in that direction.

MR. J. MORLEY: The drift of my remarks was in the very opposite direction. It was to disable them from abolishing the Oath.

MR. T. W. RUSSELL said, the speech meant more than that. It meant, apparently, the abolition of the Oath. He understood the position of many who objected to the Oath as useless; but Ireland was not the place in which to begin the abolition—a place where loyalty was conditional loyalty, a country where—it occurred in the Mansion House in Dublin a few years ago—a Lord Mayor took down the British flag and stowed it away in a dust-bin, and the letters "V. R.," in device form, along with it. If they were to begin abolition, let them begin in some place that was unaccustomed to things like that. It might be reasonable to abolish it—he did not say so—but they could differ upon the point. For his part, he thought Ireland was not the place where they should begin, and if the Mover of the Amendment went to a Division he should vote with him.

Mr. Clancy rose in his place, and claimed to move, "That the Question be now put;" but the Chairman withheld his assent, and declined then to put that Question.

Debate resumed.

*MR. DARLING (Deptford) said, he would not have risen had it not been for the speech of the hon. Member opposite (Mr. Little). He thought the time had come when English Members should give some sort of expression with reference to the concessions that were being made to what was called Irish sentiment and Irish prejudice. He did not think the people of this country were anxious to trifle with the Oath of Allegiance simply in order that the Irish Members might have an opportunity of doing a graceful act. He had never yet seen these hon. Member doing a graceful act, and he did not know how they might avail themselves of the opportunity which the hon. Member desired should be given to them. Were the people of England and of Scotland and Wales to be told that in giving the Irish an opportunity of enacting the Oath they were being given simply an opportunity of doing a graceful act? That assumed that they had no wish to take the Oath—that they would take the salary. ["Oh!"] Yes, the salary without the Oath.

MR. MACFARLANE (Argyll): They would not take it.

*MR. DARLING asked, which would they not take? He thought the House would know which. A graceful action only came in when a man did that which he regretted. When a Scotchman gave money—he spoke as a Scotchman himself—he did a graceful act. If an Irishman took the Oath, saying he took it for what it was worth, then he did that which the hon. Member opposite (Mr. Little) desired—he did a graceful action simply because he did that which he was unwilling to do. He (Mr. Darling) had no idea of legislating on those principles. If it was necessary for an Englishman—and all Englishmen were loyal, not even excepting those on the Liberal Benches—to take the Oath, if Englishmen were bound to do it in certain circumstances, why should not an Irishman? That was one reason why he supported the Amendment. [*Cry of "Divide!"*] They might divide on the closure; but he thought the right hon. Gentleman opposite (Mr. J. Morley) would hardly serve him as he did the two Egyptians yesterday. If he wanted a further reason for voting for the Amendment he found it in the statement of the right hon. Gentleman

opposite, who told them of the people who deserted Louis Napoleon after taking the oath of allegiance to him. [*Cries of "Order!"*] The right hon. Gentleman was afraid that if they forced the Irish to take the Oath they would prove treacherous just as Louis Napoleon's followers had done. He did not think that was a very dignified compliment to the Irish Members. If he (Mr. Darling) sat on the Irish Benches that argument would make him vote for the Amendment, for he should not think it just to put the Irish on a level with the French in that matter. [*Cries of "Divide!"*]

Question put.

The Committee divided:—Ayes 242; Noes 288.—(Division List, No. 124.)

MR. COURTNEY rose to move, in page 2, line 7, to leave out "trade with any other place out of Ireland, or quarantine, or." He said: The Amendment which stands in my name is of a different character from most of the Amendments that have been under the consideration of the Committee. Those Amendments have been directed to the diminution or restriction of the powers of the Legislative Assembly which it is proposed to set up in Dublin. This one is directed in a contrary sense to relieve that Legislative Assembly from restrictions imposed upon it by the Bill. It may seem inconsistent that there should be any disposition to favour, in this part of the House, Amendments of an apparently opposite character—restricting at one time and at other times enlarging the powers of the Assembly. But our view on that question is guided by the work in which we are engaged. If it were likely that this Bill should ever pass into law, our action might be of a different character, but we have reason to hope and to believe that it will not ripen into an Act. Our view is that we are at present, in effect, trying to impress upon the electors outside this House, to whom will be committed the determination of this problem, the difficulties involved in it which were not immediately apparent to them from the submission of the simple idea of Home Rule—Home Rule, I mean, as submitted to the constituencies and approved of by

a majority in this House. We were told that Home Rule meant the setting up of a Parliament in Dublin. We never had any explanation of what that meant; we could not have it, for the reason we never had a scheme put forward. It was with the greatest difficulty, common to all Members of the House, we could get anything for the electorate to examine for themselves, so as to consider what was involved in the principle of setting up a Parliament in Dublin. By a succession of Amendments we have been urging on the Government for restriction of these powers; we have, one by one, submitted these several questions for explanation, so that the country can understand that the setting up of a Parliament in Dublin means the dealing with this or that branch of law; we are descending from generalities to particulars, and bringing home to the intelligence of every elector what are the necessary consequences of the apparently simple idea adopted by many with a sense of relief when they supported this policy of Home Rule. My desire is to bring home to the electors of the Kingdom that if they sincerely understand the policy of Home Rule, meaning thereby the granting to the inhabitants of Ireland the realisation of their alleged aspirations to settle their own conduct and to do what they can to promote the material well-being of the inhabitants of the country, they will be reasonably drawn to giving to the Parliament set up the power given to every Parliament created the power of regulating their own trade, in a sense of imposing Customs Duties, and protecting their own industries. ["Hear, hear!"] I do not share that view myself, though the hon. Member for Sheffield seems to hold it; but I do recognise that if you mean to adopt Home Rule, you give to the Legislature—and you must give to the Legislature which you propose to bring into existence—the means of un wisdom as well as of wisdom, the possibility of being unjust as well as of being just. You must accept the risk that is involved in the concession of a mischievous and mistaken policy, and it is not for you to determine beforehand whether it is mischievous or mistaken. You may entertain that opinion yourselves, but by adopting an idea of Home Rule you are properly to commit the determination of such questions to the

Assembly you propose to create. There is another point worthy of observation. I think some persons who have had a large share in the construction of this Bill have confined their attention to the substitution of one kind of legislative machinery for another; they have supposed that everything is satisfactory—that no further claim is needed. I protest against that as a wholly inadequate conception of the case upon which the framers of the Bill are engaged. It is not only the substitution of one machinery for another which they have entered upon; they must consider a change of operation, and they must look for a difference of result. You have to conceive not only a Legislature in Ireland undertaking the affairs of Ireland, but that Legislature may, and certainly will, claim to have the power of working in a different sense towards different objects.

MR. LOUGH (Islington, W.): I rise to Order, Sir. May I ask whether the right hon. Gentleman is speaking to the Amendment before the Committee?

THE CHAIRMAN: The right hon. Gentleman is speaking in Order.

MR. COURTNEY: If the hon. Member would look at the Amendment on the Paper he would be in a better position to understand the relevancy of my remarks. I say, Sir, you must consider that what you are enacting will work different processes, and be aimed at different results to the processes and results viewed by the Body here. Every case of conceding Home Rule to an English-speaking community, to all the large Colonies throughout the world, has been accompanied as a necessary part of that concession, as an inevitable part of the recognition of that demand for self-sustained existence, the admission of the power on the part of the community so enfranchised for the setting up of Customs Duties and of legislating in respect of its trade and commerce. What is the idea of separate national existence which has been embodied in the demand of hon. Gentlemen opposite, and which this Bill proposes to satisfy? They desire to work out their own salvation, and if they have views—and most hon. Members opposite and large numbers of their followers have—as to the means of working out their material prosperity through Home Rule which are not satisfied by

the machinery of this Bill, then you are really offering what they will consider is a pretence, not a reality—something suited to your ideas and not theirs. I hold it is not justifiable to exclude from the power you propose to confer on the Irish Legislature these powers which I propose to confer upon them, and I am quite sure, in the path of peace on which you think you have entered, you will not realise that peace you desire unless you go further than you have done and give the Irish Parliament not merely the legislation you propose to give them, but the means of satisfying the ambition which they entertain to become an industrial power—an industrial community amongst the nations of the world. They desire to have manufactures of their own; trade of their own. They believe that the legislation of the Imperial Parliament in the past has injured and destroyed their manufactures—[“Hear, hear!”]—I do not agree with them, but I think their opinion must be taken into account if this problem is to be grappled with. The great bulk of the Irish people want from the Government the power that is necessary to satisfy those desires; they believe it only requires action on the part of the Legislature to secure those manufactures; and you are denying them, in the scheme you bring forward, the power necessary to set them up as a manufacturing and prosperous country. And they may appeal, in that regard, to the opinions of the late Mr. Parnell, who said that in respect of certain local communities protection was perhaps necessary in order to give a start to industry that would be self-sustaining after. And in that connection I may say that a distinguished Irish economist who held the same opinion, in a conversation with respect to Ireland, said he thought a case might at least be made on the part of Irish manufactures; that if Ireland were to be separated legislatively from England, which he did not desire, but if Ireland were to receive a separate Parliament, he thought a case might be established on the part of Ireland demanding powers of protection, powers of fostering manufactures, and setting on foot and starting afresh those manufactures which had been destroyed and entirely abolished by the past action or inaction of this Parliament. I do not share that view, and I

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think the experience of the United States, especially within the last 20 years, has given the strongest confirmation of the principle of protection of manufactures in small communities. Since the war manufactures have sprung up in the South without any kind of assistance from protective or other duties; without any fostering aid they have sprung up in rivalry to the manufactures of the older New England, and they have been carried on satisfactorily; they have sprung up merely through the natural operation of economic force. If the Irish Legislature had this power, I repeat, it would be a power injurious to themselves, injurious to their material prosperity—[An hon. MEMBER: Question!] I thought the hon. Member was a genuine Home Ruler. You must give power, even if it does operate mischievously to those who have; you must give it them; the necessity of the case requires it being given, and on them the responsibility of the consequences must fall. The fact is that it is demanded in a large degree throughout Ireland, and it is a test of sincerity on the part of Home Rulers whether they are willing to legislate in deference to Irish opinion; whether they will grant or withhold this power. I would put it in another way. You are launching an Irish Parliament with a particular scheme of finance, a particular means of income, and particular modes of collecting income for the needs of your Irish Administration. The Irish Government in the future, if ever it should come into existence, will be in a very tight fit in regard to finance. The money given is not less than they are entitled to demand; and though Ireland would be in a tight fit it does not involve that Ireland is unjustly or even illiberally treated, but, at all events, she would be very hard up. I would recall to hon. Members of the Committee the observation made by the hon. Member for Cork, who said—

“The Irish Parliament would have a good deal of leeway to make up, neglected industries to look after, opportunities of material development which have been overlooked or put aside, work of that kind to be undertaken, all of which involves money;”

and you are greatly restricting them in the way of money if you set up a Parliament, as you propose, and deny them the power of levying Customs Duties as they

would desire. By this you are preparing in the future remonstrances against limitations you put on their tax-levying authority. It must be obvious to hon. Members that the power of free legislation in respect to trade has a considerable bearing on the prospects of income to an Irish Parliament, and to which most Parliaments and most Governments first look in desiring to meet the charges of the year; and therefore the insufficiency of the tax-levying power given to the Irish Parliament, and the calls that the Irish Parliament will have to meet, is an additional argument in favour of going the length of your own principles, and meeting, as you profess to meet in full, the claims of the Irish Representatives in giving what they desire—power over Customs Duties, power over regulating trade. They want money—here is the only means of obtaining it, and you deny them that means. They might borrow money, but those who lend generally like to receive interest, and they look to the income out of which it is to be derived. So far as I have any knowledge of loans lent to foreign countries, the Customs Duties are generally considered the first charge with which to pay the interest on the loans. I might go to many observations, adduce many circumstances to enhance the views that prevail in Ireland for this demand of power; but it is enough if I refer to the language of the late Mr. Parnell, who did not give expression to opinions at variance with what he believed to be the popular sentiment and what he understood to be the popular demand. On two occasions, at least, he expressly claimed for the Irish Legislature the power which I say must be given to this Legislature if Home Rule is to be considered in the sense in which it has been described. He declared the claim of his country to the power of developing their own resources by means of establishing a Customs tariff. That runs through the whole scheme of Home Rule, and I think this scheme is a hasty blunder from beginning to end. It is our work to make the country understand that, to make the people understand what is invalid in it, and when they have realised it, we shall secure the verdict to reject what has been too hastily proposed. We recognise the authority to which we must go, and we want to bring Home Rule to the mind of

that authority, to bring before it all the speeches, and to show in detail what are the special things to be taken into account.

MR. T. M. HEALY: It is perfectly ridiculous.

MR. COURTNEY: I do not wish to parody the language of my right hon. Friend at the head of the Government. I am not the least angry at that interruption; but I am sincerely grieved that the hon. Member, who has great ability, and has shown it previously in Debates in this House, should descend to these ridiculous interruptions that do no honour to himself, that depreciate the value of his career, and for the sake of his reputation I hope that he will abstain from them. I will not occupy the attention of the Committee very long now. I have said the fears of hon. Gentlemen opposite are not generally expressed; but we all know the expression of their desire is limited to what they can obtain. If they have anything offered them, will they reject it—will it be otherwise than agreeable, and a fulfilment of what they want? I have heard them say—"We want better earnings; we want to be better off, and we can do it if you let us have the power." I do not believe they would; but that is their belief, and if you are going to act on their belief, you cannot refuse the means by which they hope to bring about their desire. There is only one other point in connection with this that I ought to allude to, and that is that in considering this Amendment I can never get rid of the reference to Clause 9. It is intimately connected with the retention of the Irish Members. Every limitation you put upon the power of the Irish Legislature renders it the more imperative that the Irish Members should remain here; and if you maintain this limitation in respect of trade, and disable the Irish Legislature from legislating in respect of Customs, or in respect of Excise, you make it absolutely necessary that there should be Irish Representatives in this House. I associated my Amendment with an alteration of Clause 9 so as to exclude the Irish Members from the Imperial Parliament, because it would be impossible to deny this power, and to deny them, at the same time, representation in the House of Commons. I know it is said that question was settled

by the constituencies. I do not believe it was, but I believe it is still an open question. I apologise to the Committee for having detained them at such length; but, at the same time, I am conscious of the importance of the subject, which require some elaboration in presenting it to the Committee, and I must press upon the head of the Government that it is one which cannot be disposed of, simply because it is an unpleasant matter to consider. It is a thing you will have to consider in proposing to legislate according to Irish ideas and wishes, and it is because I desire to have that brought home to the people at large that I make this proposal. I beg to move the Amendment.

Amendment proposed, in page 2, line 7, to leave out the words "Trade with any place out of Ireland or quarantine or."—(*Mr. Courtney.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. W. E. GLADSTONE: My right hon. Friend has delivered an extremely comprehensive speech. I do not think it is necessary for me to enter, at this time, upon the question of the retention of the Irish Members; nor do I think it is desirable that I should discuss the question of Irish finance, both of which subjects I look upon as rather extraneous. Although this is a Motion for the extension of the powers of the Irish Legislature, my right hon. Friend will not expect any lively gratitude from me as a promoter of the Bill. The moral lessons which my right hon. Friend appeared to think would attend the adoption of his Amendment is another and very different thing. I am not sure how far my right hon. Friend intended to go in recommending his own Motion. He said—"I urge the necessity of granting to the Irish Legislature the possession of the very large power described in my Amendment, but I think it right to give notice to you and the Irish Members that the possession of that power will be injurious to them." So singular a form of recommendation as that would justify me in compressing as much as I can, the reply I have to make. I quite agree that this is a very serious question, and one that it is absolutely necessary for all persons connected with the framing of

the Bill, to look in the face and endeavour to deal with according to the main and leading considerations that bear upon it. The Government are not in a position to consider the possibility of accepting the Amendment. I think my right hon. Friend will recognise that we could not make a change of this character—a change going so near to the root of the Bill in the matter of such vital and practical importance—without endangering the measure of which we have charge. Let the Committee look very briefly at the history of this question. In the Bill of 1886, not without having given the best consideration in their power to the subject, we proposed to withhold from the Irish Legislature the power of dealing with external trade. But we were conscious, in doing that, that we were making a very serious demand upon Ireland. The management of the trade of a country is a very serious portion of what may be considered as properly its own affairs; and it might have been that Ireland would have resented this aggression, so to call it, on our part, and having obtained the power of declaring her intention with regard to our proposals would have said—"We cannot accept your gift upon such a condition." The Irish Nationalists and the people of Ireland would have been perfectly entitled to take that ground if they had pleased; but that ground was not taken. My right hon. Friend says, and says truly, that at one period Mr. Parnell, who necessarily spoke with enormous weight upon every subject relating to the affairs of Ireland, demanded this power on the part of Ireland. Yes, Sir; Mr. Parnell demanded many things on the part of Ireland—and I am not here censuring those demands—which demands, notwithstanding, he was content to withdraw when once he found a great practical proposition made to him which he thought would be to the interest of Ireland to accept, and I am not aware that since 1886 Mr. Parnell ever made that demand. Unquestionably, when Mr. Parnell rose in this House and accepted, on the part of himself and his Colleagues, in all its main outlines, the plan proposed in 1886, I think we were entitled to understand—I am quite certain we did understand, and I am also quite certain we have never been shaken in this understanding—that Ireland was content to forego this portion

of her claim which, on abstract grounds, she might have adhered to if she had chosen. This reservation was adopted by the Government deliberately, and after mature consideration it has been adhered to; it was accepted on the part of the people of Ireland in 1886, and I am not aware that there has been any disposition shown to retract that acceptance. That places us in a position of entire incapacity to accept this Amendment, unless it be that my right hon. Friend, with the great argumentative power he possesses, had gone more deeply into the subject, and said—"Now I will show you from my knowledge and reasonings that this is a power so beneficial to Ireland, and so essential to her, that you cannot possibly withhold it." But, instead of that, he told the Committee that the power he desired to give to Ireland would be distinctly injurious to her. My right hon. Friend has given the Committee no assistance whatever in moving towards him for the purpose of agreeing with the Amendment. So much for the history of the question. I will speak now of the practical considerations which led the Government originally to adopt the scheme which they have promoted and proposed to the House. Fully adhering to my position that I considered the concession of this power a very large concession on the part of Ireland, a very large deduction from what she might have demanded on abstract grounds, I think it ought also to be a very conciliatory concession. Although my right hon. Friend does not appear to agree with me, I consider this a sagacious and wise plan in the last degree. My right hon. Friend contended that all the Colonies had absolute possession of liberty of trade and the Government of trade laws. That is true, no doubt, up to a certain point, but it is not so true as he appears to suppose. There are portions of our Commercial Law that are in force in the Colonies. The Merchant Shipping Law of this country is a very important part of our Commercial Law, and that is, I believe I am right in saying, as a general rule, in force in the Colonies. My right hon. Friend will well recollect the case of the *Shenandoah* and the conduct pursued by the Colonial Government during the American Civil War. The consequence of the conflict arising out of that case, which we had no power of control-

ling, was that this country was called upon to pay by the decision of the arbitrators a good many hundred thousand pounds, and the money came, not out of the Revenues of the Colony, but out of the British Treasury. If the Commercial Law were placed under the control of the Irish Authorities, and if a case bearing any analogy to that of the *Shenandoah* were to arise in an Irish port, and the Central Government of the country were to be mulcted by the decision of arbitrators in a large sum of money and the Imperial Treasury were called upon to liquidate it, every wise Irish Nationalist would join with every inhabitant of Great Britain in deprecating such a result and the state of the law that had led to it. These questions of trade law are connected at a number of important points with the foreign relations of the country, and that is one reason why I think Ireland and her Representatives have been very wise in making the large and handsome concession in this matter which I thankfully acknowledge they have made. The question of the treatment of foreign ships and foreign crews in the Irish ports is a question of the utmost importance, involving the responsibility of this country under Treaties with Foreign Powers. The fact that Great Britain's responsibility is involved renders it impossible to surrender the whole regulation of Irish trade with other countries to the local Legislature of Ireland. There also arise sometimes very inconvenient cases, involving demands upon the Imperial Treasury in connection with the Customs Duties. I remember, rather more than half a century ago when I was at the Board of Trade, a case in which, as a consequence of the legislation which the Government had thought good to adopt as to the introduction of rice from various countries, America demanded, under the terms of their Treaty, the repayment out of the public Treasury of Great Britain of a large sum of money which had been levied here as Customs Duty in excess of the amount sanctioned by the Treaty. Great inconvenience would be caused in cases of that kind, supposing that Ireland's Customs Duties were to be fixed by the Irish authorities. The question of the foreign relations of the country is a question of great practical weight and importance, which must be seriously

considered in the discussion of this Amendment, but it is not the main consideration which has led the Government to the conclusion at which they have arrived, and to which we are bound to adhere. That main consideration is this : that the United Kingdom, from geographical circumstances as well as from circumstances which are social and moral, constitutes one great and vast trade circle. If you depart from the principle of uniformity in trade matters you might, perhaps, satisfy to a greater extent the abstract idea of the right of local legislation, but by satisfying that abstract idea you might inflict an immense practical injury. It is necessary in the interests of Ireland herself that this uniformity of Commercial Law should prevail throughout these islands. My right hon. Friend has not noticed this all-important question—how the producers of this country, the men who regulate and carry on the distribution of the products of its enormous, its immeasurable industries, would be affected by the introduction of different commercial laws within the limits of the United Kingdom. If the power which my right hon. Friend desires to confer upon the Irish Legislature were granted, I do not suppose that it would be misused. My confidence in the good sense of the Irish people is such that I do not believe anything of the kind. But I do not care to debate the question whether they would misuse the power or not, for I base my position on this, that it is vital to the commerce of the Three Kingdoms that there should be uniformity of Commercial Law from one extremity of the land to the other. Sir, I think it will be unnecessary for me to go further into the history of the question. I have touched upon the great subject of foreign relations ; I have touched, above all, upon the internal relations of the trade and industries and business of the country, which appear to me to establish so conclusive a case in favour of adhering to the restrictive provisions in the Bill that I must own myself surprised that this question should be raised with the view that has been proclaimed to-day, and still more that, if it were to be raised, it should be raised by my right hon. Friend.

Mr. J. CHAMBERLAIN : Those who have listened to the interesting speeches just delivered can have no

doubt whatever as to the importance of the question that has been raised. I attach the greatest importance to the speech just delivered by my right hon. Friend, in the course of which he has now laid down several doctrines which are new as coming from the Treasury Bench, and to which in future discussions we shall have to make frequent reference. I will only allude to the latest doctrine to which my right hon. Friend has given utterance, and that is, that in his opinion, and, therefore, in the view of the Government, whilst the right of Ireland to do what the right hon. Member for Bodmin proposed she should be empowered to do might be considered as an abstract right to injure herself, that abstract right did not include any right whatever to injure anybody else. This admission will bring into view a great number of the Amendments which we have already proposed and which we have to propose on the distinct ground that, whatever right Ireland has to injure herself, she has no right to do anything, directly or indirectly, that could injure this country. My right hon. Friend the Member for Bodmin has not argued that the power proposed to be conferred by his Amendment is in itself desirable, but that, whether it is desirable or injurious, it is inevitable. Its ultimate adoption is an undoubted consequence of the Home Rule principle, whether you grant it now or do not as one of the consequences of Home Rule. I agree with my right hon. Friend that if a Home Rule Parliament is granted to Ireland, the power to deal with external trade will have to be conceded sooner or later. I proceed to notice the various objections which, as a Home Ruler, my right hon. Friend has put before the House. He speaks, of course, as a consistent Home Ruler, and yet he objects to give Ireland this particular power. He said, in the first place, that the proposal of the right hon. Member for Bodmin went to the root of the Bill, and that, therefore, it could not be accepted. But we have been told over and over again that the object of the Bill is to give to Ireland the management of exclusively Irish affairs, and what can be more exclusively Irish than Irish trade? I think the argument used against us is often pressed too far. It is very difficult to find anything in the strictest sense exclusively Irish. It will

almost always be possible to say, indirectly at any rate, Great Britain may be affected by the conduct of the Irish Legislature. But, at all events, the argument which has been used to show many of our Amendments are entirely inconsistent with what has already been done has been that matters exclusively Irish are, by the consent of the House and by Resolution already come to, to be handed over for the consideration of the Irish Legislature. My right hon. Friend objects to the Amendment because of the speech of my right hon. Friend the Member for Bodmin, in which he said that if Irishmen abused, or, rather, misused this power and established Protective Duties, it would be injurious to Ireland. Of course, Free Traders believed it would be injurious to Ireland, and I myself think so. But the point is—Are we going to refuse to the Irish Legislature any power which by any possibility they might misuse? The House has been told over and over again by the right hon. Gentleman that he has absolute confidence in the good sense of the Irish people, and the right hon. Gentleman has told the Committee again this afternoon that he has every confidence that the Irish Legislature or the Irish Government would not do anything so foolish as to enforce Protective Duties against this country. Entertaining these views, how can the right hon. Gentleman say, “I am not going to give them this power, because they might use it injuriously to themselves”? Then the Prime Minister objects to the Amendment because it would be attended with inconvenience to this country; and he gave two illustrations. The first was the escape of the *Shenandoah* from an Australian port. But how would the escape from an Australian port of the *Shenandoah* or any other ship be in the slightest degree affected by allowing the Irish Parliament to deal with trade? That is a question of Executive authority and administration. The right hon. Gentleman touched upon a blot in the Bill. A *Shenandoah* might escape from an Irish port, and might leave the Imperial Parliament with tremendous responsibilities to which it would not in the slightest degree have contributed; but the handing over of trade to the Irish Parliament would make no difference whatever. The second case was the

over-levying of Rice Duties upon a foreign ship. But if a mistake of that kind were made and if compensation had to be given for it hereafter, of course—if Ireland and the Irish Legislature were given the control of the Customs—the Irish Legislature, and not the Imperial Parliament, ought to be made responsible for the mistakes of its officials, and it is perfectly absurd to suppose that the Imperial Parliament would agree to take responsibility for the commission of mistakes in a matter which had been handed over exclusively to the Irish Parliament. Then the right hon. Gentleman came to what he said was the dominant consideration in this matter, and he asked the Committee to bear in mind that at present the United Kingdom constituted one vast trade circle. Yes; but he might have asked the Committee, for that matter, to bear in mind that it constituted at the present time one vast legislative circle. For myself, I confess that I think it may be difficult when Ireland ceases to be part of one vast legislative circle to keep the other relations in the same harmony as they were at present.

An hon. MEMBER : The same harmony as at present?

MR. J. CHAMBERLAIN : That really pains me to the heart. There is an hon. Member sitting behind the right hon. Gentleman who entertains suspicious as to the good faith and good feelings of hon. Members opposite. The argument of the right hon. Gentleman is—that at present Ireland constitutes, with the rest of the United Kingdom, one vast trade circle, and that it would not be for the interest of Ireland that those trade relations should be interfered with. Perhaps not for the interest of Ireland, but it is part of the right hon. Gentleman's case that it is no business of ours to consider the interests of Ireland exclusively. The right hon. Gentleman has another argument—that any interference with the existing trade relations would also be disadvantageous to the producers of this country—

MR. W. E. GLADSTONE : The United Kingdom.

MR. J. CHAMBERLAIN : Yes, the United Kingdom, and, so far as it concerns them, the producers of Ireland or any portion of Ireland; but according to the principles which the right hon.

Gentleman asks the Committee to accept, that is a matter that ought to be left to Ireland to settle. If the right hon. Gentleman were to say that the producers of Great Britain would be affected, I would agree with the right hon. Gentleman. It is because the British manufacturers would be affected, and because the right hon. Gentleman knows that the unpopularity of such a proposal would be fatal to his Bill, that he admits this one point alone to be an exception to the general principle he has been endeavouring throughout this Bill to establish. The right hon. Member for Bodmin has said that this concession is inevitable. The Prime Minister told us it was quite true that a long while ago Mr. Parnell, speaking with full authority as the representative of the Irish people, stated that he demanded for the Irish people the right, if they pleased, to establish protection. It is important to recollect that Mr. Parnell stated in the most positive way that he warned the Liberals and Radicals of this country that no settlement could be final or satisfactory that did not give this power to the Irish people. It might be that Mr. Parnell accepted at a later period the withdrawal of that proposal; but he said on another occasion that neither he nor anyone else could set a limit to the march of a nation. Therefore, if the people of Ireland believe that it is the first duty of the Irish Legislature to establish and stimulate their trade by Protective Duties, neither Mr. Parnell's declarations nor those of anybody else would affect their right to demand the power to do so. The right hon. Gentleman says that Mr. Parnell subsequently withdrew his demand, but never did so publicly, except in the speech in this House in which he accepted the Bill of the right hon. Gentleman. A great light has been thrown on the sense in which he accepted that Bill. Mr. Parnell said he only accepted it *pro tanto*. In fact, it was accepted, as this Bill is accepted, merely as an instalment and as an instrument by which further concessions can be extorted from the British Parliament. It may be that, for the moment, hon. Members opposite accept the measure; but I do not believe that one of them will get up and say, on behalf of the Irish people, that they would never ask for power to impose Protective Duties. I

Mr. J. Chamberlain

am quite certain that, so long as the majority of the Irish people believe that their material interest can only be secured by such a policy, so long will the British Parliament be open to the continual demands which this Bill renders so easy for them to make.

COLONEL NOLAN (Galway, N.) said, the speech of the right hon. Member for West Birmingham reminded him of looking through a telescope at the wrong end—it turned everything topsy-turvy. He had voted against the Second Reading, and, although solicitous about the extension of the powers of the Irish Legislature, he did not say whether he intended to vote for the Third Reading. The right hon. Gentleman advocated a proposal which he (Colonel Nolan) did not consider as an honest proposal, looking at the quarter of the House from which it came. The object of the right hon. Gentleman was to make the Bill unpopular with the English people. This Amendment was put down as a *crux* for the Irish Members, and it was difficult for them to pronounce upon it in this hasty manner. He thought he might be able to throw a little more light upon what Mr. Parnell had done in the matter. Mr. Parnell had always been avowedly in favour of Protection for Ireland until the introduction of the Home Rule Bill in 1886. Mr. Parnell afterwards said he could not recollect whether it was in a speech or in private conversation; but he certainly said that he merely gave up this trade question for a *quid pro quo* which rested on the financial proposals contained in the Bill of 1886. When the Committee came to the question of land, the Irish Members would be able to determine whether the financial proposals were as good as, or better than, the proposals contained in the last Bill. The two questions were placed in juxtaposition in the last Bill, and the right hon. Gentleman now raised the question at a time which, he thought, was extremely inconvenient. The right hon. Gentleman might have left the question to the Irish Members. Speaking for himself, he (Colonel Nolan)—and he did not seek to bind anyone else by his opinion—believed it would be a great benefit to Ireland if she could regulate her own trade, but it would be very foolish if she were to begin to tax anything

English. Ireland wanted to develop her manufactures, and the Irish Legislature might bear that wish in mind when making some regulations about trade. He had never concealed his opinions on this point. But the question now was whether the Irish Members were to help the right hon. Gentleman to make the Bill unpalatable to the English Members. On the other hand, they must not forget what Mr. Parnell did on this point. The position taken up by the Mover of the Amendment and the right hon. Member for West Birmingham was to force the hands of the Irish Members on this subject before the financial question came on, so that he might have power to destroy the Bill. That being his object, he, for one, would not assist him.

MR. GOSCHEN rose amid loud cries of "Oh, oh !" and "Divide !" He said : I hear an " Oh, oh !" as if the provision we are discussing as to the fiscal liberty of Ireland were not one of fundamental importance in the consideration of this Bill as to need fair debate. I put it to the Government that it is one for fair discussion. Let the Committee suppose that the Irish Members have not been, if I may use the expression, "squared" on this point; that there has not been an arrangement—a *quid pro quo*—would it not then be considered that at least an evening should be given up to the discussion of the subject? ["Oh, oh !"] If the Irish Members were opposed to this question of fiscal liberty, would it not be a question to deserve a long examination by the Committee? This subject is not only deeply important to Ireland, but to Great Britain and the Empire at large. I think the Committee is under deep obligation to the right hon. Gentleman for calling attention to this provision, which should not be passed without notice. It is interesting to note the opportunity which it has afforded to the Prime Minister to speak in a new character, and to defend the Imperial trade circle; but it would also be interesting to hear the answer which the Prime Minister would give to his own speech if it were made by an hon. Member on the Oppo-

sition side. If the importance of this Debate is only diminished by the fact that the Irish Members assent to these proposals, then the Committee has a right to ask what is the nature of the bargain, and what security there is that that bargain will be kept; and whether it can be kept. [*Cries of "Divide!"*]

THE CHAIRMAN: Order, order!

MR. GOSCHEN: I think I am entitled to speak on this important matter. Hon Gentlemen may be anxious to divide, but I do not think they can fairly dispute the importance of these two propositions. The Prime Minister has shown the Committee how deeply injurious to this country it would be were this power retained in the Irish Legislature. If the Opposition can show, both from the utterances of the past and the attitude of hon. Members from Ireland, that there is no security whatever, if an Irish Legislature is established, that it would not gain this fiscal freedom, the Opposition is bound to take this fact into consideration, and to place it before the constituencies, and to allow it to become an important element in these discussions. The Committee has heard of the *quid pro quo* laid down by Mr. Parnell; but we now want to know what is the *quid pro quo* which hon. Members from Ireland have now received? Have they received any? If so, the Committee is entitled to know. Though challenged on the point by my right hon. Friend the Member for West Birmingham, the Irish Members are dumb; they dare not open their lips and tell the Committee whether they believe that Protection is or is not desired by the Irish people whom they represent. The British elector is interested in this power being withheld from the Irish Legislature; and, therefore, I shall vote against the Amendment of my right hon. Friend, because I am anxious that the Irish people should not have this power. I do not agree, however, with the Prime Minister that it is a power which would, in all probability, not be used if placed in the control of the Irish Legislature.

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The value of the discussion consists in this. The Colonies have often been cited in the course of these discussions ; but their content has arisen because they have had fiscal freedom ; and we believe that the Irish would not be contented unless they also had fiscal liberty. This compromise would not only be viewed with disfavour by the British elector, but the result would be constant friction and the disappointment of all hopes entertained by what I may call the "Ministerial Band of Hope" that peace and good feeling would be promoted by this Bill.

Mr. Tomlinson (Preston) rose to continue the discussion.

Mr. John Morley rose in his place, and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The Committee divided :—Ayes 293 ; Noes 256.—(Division List, No. 125.)

Question put accordingly, and agreed to.

It being after half-past Five of the clock, the Chairman left the Chair to make his report to the House.

Committee report Progress ; to sit again To-morrow.

LIBEL BILL.—(No. 296.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir A. Rollit.*)

*MR. GIBSON BOWLES : I object. I know nothing about the Bill.

SIR A. ROLLIT : That is the hon. Member's misfortune. The Bill is brought in at the request of the Press, to which the hon. Member I believe belongs, or did belong. However, if the objection is to be persisted in, I recognise the impossibility of passing the Bill, and therefore I move that the Order be discharged and the Bill withdrawn.

Mr. Goschen

Question, "That the Order for the Second Reading of the Bill be discharged and the Bill withdrawn," put, and agreed to.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 6) BILL.—(No. 290.)

Read the third time, and passed.

WATER PROVISIONAL ORDERS (No. 1) BILL.—(No. 337.)

Read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 10) BILL.—(No. 340.)

As amended, considered ; to be read the third time To-morrow.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 11) BILL.—(No. 360.)

As amended, considered ; to be read the third time To-morrow.

ELEMENTARY EDUCATION PROVISIONAL ORDERS CONFIRMATION (CHISWICK, &c.) BILL. [*Lords.*]

Read the first time ; and referred to the Examiners of Petitions for Private Bills, and to be printed. [Bill 388.]

VOLUNTARY CONVEYANCES BILL.

[*Lords.*] (No. 355.)

Considered in Committee, and reported, with Amendments ; as amended, to be considered upon Wednesday next.

FRIENDLY SOCIETIES' ACT (1875) AMENDMENT BILL.—(No. 381.)

Read a second time, and committed for Friday, at Two of the clock.

PUBLIC PETITIONS COMMITTEE.

Thirteenth Report brought up, and read ; to lie upon the Table, and to be printed.

House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, 8th June 1893.

Several Lords—Took the Oath.

WEIGHTS AND MEASURES BILL.

(No. 112.)

SECOND READING.

Order of the Day for the Second Reading read.

LORD MACNAGHTEN, in moving the Second Reading of this Bill, said, there were some boroughs in which the ratepayers had to contribute twice over to the expense of carrying out the existing Acts of 1878 to 1892, first in the borough rate and then in the county rate. The object of this Bill was to redress that injustice, and to enable the borough to be paid in each year the proportionate amount contributed towards the expenses incurred by the County Council of the county within which the borough was situate from the county funds.

Moved, "That the Bill be now read 2^a."
—(*The Lord Macnaghten.*)

Motion agreed to ; Bill read 2^a accordingly, and committed to a Committee of the Whole House To-morrow.

NORTH SEA FISHERIES BILL.

(No. 110.)

SECOND READING.

Order of the Day for the Second-Reading read.

*LORD PLAYFAIR, in moving the Second Reading of this Bill, said, that this Bill, as his noble Friend the Duke of Argyll had expressed the other day in referring to it by anticipation upon the Bishop of Chester's Liquor Bill, was undoubtedly a strong measure ; but it needed to be passed in strong circumstances. A diplomatic correspondence had been going on since 1880 ; but no sufficient Act had been passed to regulate the North Sea Fisheries. It was the importance of those fisheries which rendered such a Bill as the present necessary. There were, in the United Kingdom, 21,752 first and second class

fishing vessels going by sail and not by oars, with a total capacity of 333,000 tons, and three-fourths of them belonged to the North Sea, which was defined for the purposes of the Bill as beginning at 60 degrees North latitude, and extending to the Straits of Dover. The product of those fisheries was enormous. In England alone, from the Scotch Border to the North Foreland, it amounted to 76 per cent. of all the fish landed in the Kingdom, its value being £3,770,000. All the ports on our East Coast, from London to Sunderland, and from Berwick to the Orkneys, were interested in the welfare of the North Sea Fisheries. Since 1880 attempts had been made to regulate these fisheries, and with considerable success ; but there was one gigantic evil which past efforts had wholly failed to cope with. A certain number of vessels known as "copers" went to the North Sea Fisheries, not for the purpose of fishing, but in order to serve as public-houses to the fleets of all nations engaged in the fisheries. They were nothing less than floating grog-shops. They infested the fleets, and the amount of demoralisation they caused was very great. A Report presented to the French Chamber of Deputies on June 21, 1889, said that the presence of these "copers" constituted a source of permanent disorder among the fishermen, and pointed out that the most detestable evils ran riot, confidence was abused, threats were used and violence employed, while obscenity and drunkenness largely prevailed among the crews, who spent not only the money required for the maintenance of themselves and families, but bartered away for bad liquor their own and their masters' fishing gear. Violent deaths also had resulted from the scenes which took place on these "copers." In 1884 International communications took place, and a Convention was called together in order to devise a remedy. The Convention was begun in 1886, and the Report was signed in 1887. The Powers represented at the Convention were Great Britain, Germany, France, Belgium, Denmark, and the Netherlands. The object of that Convention was to place a barrier between the devil and the deep sea as regarded the fishermen. The evil was undoubtedly very great, and this Bill was for the purpose of raising that

barrier. To make a short abstract of what the Convention had agreed to: The sale of spirits from any vessel to a fleet of fishermen was rendered illegal outside the territorial limits; the exchange of fish or gear for beer or spirits was made illegal, because the fishermen took the fish and implements of their masters, and the consequence was that when the poor fishermen went back to their homes they were charged with being thieves, and were tried for doing away with the property of their masters. Each State agreed to pass an Act rendering it illegal for the vessels of that State to engage in the traffic, by sale or exchange, and imposing penalties. An Act was passed in 1888, but it proved to be a dead letter, and the reason why it had done so was that France declined to ratify the Convention. France had always shown a great objection to the right of search on the high seas, and probably their refusal was connected with that objection; but the French people, by whom it was entertained rather than by the French Government, were under a mistake in this respect, because the Convention gave no right of search. Cruisers were to be sent out by the several nations concerned to stop and take back to their nearest port vessels not really engaged in fishing or supplying provisions to the fleets, but merely selling grog as "copers." France had no other motive than he had mentioned in refusing to ratify the Convention, for she was the only nation which had never sent out any of these floating grog-shops. Of course, it would be useless to leave the copers to escape by flying the French flag. But the evil became so great that the other nations determined to go on without France, and in February, 1893, a Protocol was agreed to between them, leaving it open to France to join if she chose, and it was hoped that as she had recently shown a more benevolent spirit in the matter she would rejoin the Convention. The Protocol required to be embodied in another Act in order to make the legislation effective. This Bill, to which the House was now asked to give a Second Reading, was practically the same as the Act of 1888, which it repealed, and re-enacted with almost verbal alterations, embodying the Convention of 1887 and the Protocol of 1893, so as to make it an effective Act, to stop an evil which was

Lord Playfair

incessantly going on. A telegram had just been received by the hon. Member for Grimsby, a port which naturally took great interest in this matter, stating—

"Two copers with our fleet causing wholesale demoralisation; can you do anything?"

It was desirable, therefore, that the Bill should pass as soon as possible, and, with their Lordships' permission, he should put the Committee stage down for next Monday.

Moved, "That the Bill be now read 2^d."
—(*The Lord Playfair*.)

*THE MARQUESS OF SALISBURY: My Lords, I wish only to make one remark, not in answer to the speech of the noble Lord opposite, but in reference to what was said by my noble Friend the Duke of Argyll, who somewhat irregularly discussed the principle of this Bill a few days ago. I did not venture to follow him at the time, for I had not his courage in disregarding the Rules of this House; but I wish to make the remarks now. He seemed to think there was something very irrational and inconsistent in supporting a drastic measure like this for the North Sea, and declining to support equally drastic measures for towns and counties of this country. My noble Friend might have referred not only to the North Sea Convention, but to the Brussels Convention, by which we have absolutely agreed to proscribe the sale of liquor over vast tracts of Africa. Of course the evil here is great, and in no other way could it be met; but I am not prepared to admit that, because we are to prohibit the sale of liquor over vast districts in Africa, we are bound to do the same in the United Kingdom. It is a question of civilisation. No doubt the sailors in the North Sea Fisheries, coming as they do from various coasts and ports, and being composed of a population not all in the highest state of civilisation, must in this matter, to a certain extent, be treated more as children than we should venture to treat other people. It is not that we think these measures in themselves desirable; but this particular population is, by the way it is collected and from the position which many of these men still occupy in the scale of civilisation, particularly liable to this form of temptation. And the temptation is not an evil to themselves alone, because if drunkenness

takes place in the middle of the sea, and the result is that the proper duties of a sailor are not performed efficiently, the drunken man is not the only man who suffers, but all the others go to the bottom as well. Therefore, I think there is a special ground for dealing in this matter with these sailors of the North Sea; but I demur to the doctrine that the people of this country are to be treated as children in this matter. It appears to me they have reached a stage of civilisation and education in which they may be left to take care of themselves; and there is no doubt that if they remain temperate by taking care of themselves that will be a much more valuable result, both in a moral and political sense, than if they attain that condition by measures passed through Parliament. I have no desire to refer to other measures of a similar character dealing with Ireland; but I have no doubt that the same principles ought to be applied to that country. In what stage of civilisation this House will judge Ireland to be in so applying them it will, of course, decide.

*THE DUKE OF ARGYLL: My Lords, I only desire to say that the noble Marquess has somewhat misapprehended my allusion the other night to the principle of this Bill. I had no intention of arguing that, because the House assented to this prohibition of the sale of liquor to the sailors in the North Sea, therefore the principle should be applied generally to the people of the United Kingdom. That would be a most absurd conclusion. All I meant to indicate was that, in discussing any measure whatever in regard to the liquor trade, none of us can fairly or consistently take the ground that there ought to be absolute free trade and perfect individual liberty. That is all I said, and that is all I meant. There can be no doubt this is a most drastic measure, and a complete violation of the principles held by both Parties in this House and in the country. It is, of course, a gross violation of individual liberty. That there is no doubt about whatever. It is the most stringent measure that ever was passed in this House, because it absolutely prohibits the liquor traffic in what is practically a floating city—for the North Sea fishing fleet is very large, including thousands of men. It is, in fact, a floating city, and in that city we have agreed with

other Powers in Europe that free liquor traffic is such an intolerable evil that we must put it down together. That is a very strong measure. My noble Friend says you must treat the seamen as children. Now, I demur to that statement. I believe there is no more intelligent class than the seamen among working classes of the country.

*THE MARQUESS OF SALISBURY: I did not say so. I especially drew attention to the fact that these seamen are drawn from the least civilised populations on the shores of the North Sea.

*THE DUKE OF ARGYLL: But this Bill is to apply to our seamen. No doubt the noble Marquess is quite right in saying that there are special temptations to seamen. The truth is that we must acknowledge as a fact in the history of men that the temptation to liquor drinking is far greater and constitutes a far more serious danger to the people tempted and to the public welfare in this case. That is the fact with which we have to deal. With regard to my noble Friends on the opposite side of the House, this Bill affects their principles much more. I do not know what my noble Friends think here of the application of their principle of popular option and popular control. The consistent proposal on the part of the Government would be, it seems to me, that there should be a Commodore of the Fleet appointed, that all the vessels should be summoned by gun, and a vote of all the sailors taken, and that the liquor traffic should not be prohibited unless two-thirds of the whole fleet agreed to do it. The truth is that the liquor trade is a wholly exceptional case, and that we must deal with it according to the circumstances. There are special temptations which attach to seamen. I suppose there is no harder life in the world than that led by these particular seamen, especially during winter in the North Sea. They are exposed to the most tempestuous weather, and have to undergo the hardest labour, and I cannot concede that it should always be illegitimate in them, under all circumstances, to take a glass of brandy. But this Bill does not, as I understand, prevent them taking a glass of brandy on board their own vessels. It merely prevents the unlicensed sale of liquors by these floating grog-shops, and I have no objection to that. I suppose the House,

under any circumstances, would hardly refuse to the Government a power needed to carry into effect an International engagement.

THE MARQUESS OF SALISBURY : May I be allowed to correct one error of my noble Friend? I do not think this Bill forbids the sale of anything but distilled liquors, and therefore the seamen will still have their beer.

***LORD PLAYFAIR** explained that the Bill did not prevent vessels taking any amount of liquor necessary for their own consumption. It only dealt with sale and exchange.

Motion agreed to ; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Monday next.

EDUCATION (SCOTLAND).

MOTION FOR AN ADDRESS.

***LORD BALFOUR** moved—

"That an humble Address be presented to Her Majesty praying that consent may be withheld from the Minute of the Committee of Council on Education in Scotland relating to secondary education, dated 1st May 1893."

He would not occupy more time than he could possibly help ; but their Lordships would see that respect to the House and to the Government required a statement in some detail of the reasons which had led to this Motion. In making it he would take care to avoid the introduction of anything like Party feeling or Party controversy into a matter which ought to be, and certainly in the past had been, as far as the people of Scotland were concerned, kept almost free from that element. At the same time, he was bound to say he thought that whoever was responsible for the Minute on the Table of the House had made a very serious mistake. He did not know whether he was to lay the blame at the door of the President of the Council or of the Secretary for Scotland. There had been two policies put before Parliament. There was a policy which had been elaborated with great care—the policy which, in its main features, had been embodied in the August and January Minute, and had been accepted by those best qualified to judge the merits of the case. Although the Minute provided amply for secondary schools, it pressed hardly upon some of the unendowed schools; still, it met with general acceptance in most parts of Scot-

land ; and there was absolutely no reason given for the change the present Government had made. The first Minute of August last, laid on the Table by the late Government after full inquiry, was adopted in general terms and almost in identical words, and put before Parliament by the present Government. In February there was a discussion upon it in that House, and in the other House there was a discussion not quite of so one-sided a character ; but no serious reason was urged against the Minute, and everybody was astonished when the Secretary for Scotland got up and practically withdrew his Minute. The original Minute really embodied the views of those who had given most care and attention, during the last 10 or 20 years, to a subject surrounded with great difficulties. The Act of 1872, establishing School Boards all over Scotland, did good for the elementary education of the majority of children ; but it did harm to the children of parents not rich enough to send them to higher schools, but yet of ability and capacity to take advantage of higher education. There had been no efficient scheme of secondary schools in Scotland ; but the elementary schools stretched their arms upwards, so as to reach the down-stretched hands of the Universities. This feature of the Scotch system received a rude shock in 1872. Attention was then turned to the reform of endowments available for higher education ; and the Endowed Schools and Hospitals Commission, after an inquiry of four years, presented a valuable and exhaustive Report on the subject. Then an Executive Commission was appointed to carry out some of the recommendations that had been made in cases in which the Bodies concerned desired to reform themselves ; but that Commission was not able to do much, because it had no power to take the initiative. Another Executive Commission, appointed under the Act of 1882, with himself as Chairman and Lord Elgin and Lord Shand associated with him, had seven or eight years of hard work, and was enabled to do great good in modernising educational endowments, which, however, could be made available only in the districts for which they had been left ; and large tracts of country, therefore, derived no benefit from that Commission. It came to be admitted

that no comprehensive system could be established without special grants of money in some form or other, and these were furnished by the grant to Scotland, which was due to it as its equivalent for the money given for the purpose of freeing elementary education in England. That grant amounted to £57,000, and was the subject of the Minute now before the House. A Bill proposed by the Government last year providing for its distribution was objected to, mainly on the ground that it left too much power in the hands of the Central Authority, and it was withdrawn in order that the matter might be referred to a Departmental Committee, which met last year and made a valuable Report. The result was the first Minute laid before Parliament last year, which enabled the Central Authority to make grants of from £120 to £200 in order to give efficient higher education. That provision was important as offering a premium to effort in poor and sparsely-populated districts. Although that Minute did not obtain Parliamentary sanction owing to the Prorogation, the present Secretary for Scotland advised Local Bodies to appoint their committees, and they did appoint them for the purposes of inquiry only. He was utterly at a loss to conceive what were the considerations which had induced the Government to depart from the valuable proposals made in that first Minute. In the new Minute there was a schedule of the amounts to be distributed, framed very nearly on the basis of population. This rule would give the lion's share of the money to places where it was least needed; and to poor and sparsely-populated districts, without endowments, it would give so little that they might as well throw the money into the sea for any good it would do. This was well-known to the Secretary for Scotland, who had stated in public that Glasgow had sufficient endowments to give secondary education to the entire city; and yet he proposed to give Glasgow £8,000, in addition to over £2,000 which would be received direct from the Government, making a total of £10,240. Glasgow, though entitled to take something, was not entitled to take so much out of this money which might be so valuable in other parts of Scotland. Glasgow, Govan, and Edinburgh together

would receive £13,740, while there were 20 representative counties which would receive among them only £13,216. It did not stop there, because Lanark and Renfrew, which were closely adjacent to Glasgow, got upwards of £10,000 more. It was absurd to make a distribution of this money without taking into consideration the needs of the rural districts and the great difficulty of getting higher class education there. He could not recollect any Minute of the Education Department which had been so unanimously, speedily, and generally objected to as this one. It was only in the first week of May that this Minute was made public, and on May 16 that House adjourned, so that up to that time there was no opportunity for concerted action. But since then there had been meetings and conferences on the matter at which general objection was taken. There was one more point to which he would refer. A grave question arose whether the Secretary for Scotland was justified in doing what he proposed to do. The committees to which he had referred were appointed without Parliamentary sanction on the faith that the Minute of January would be carried into effect. They were appointed purely for inquiry, but the Secretary for Scotland by a stroke of the pen proposed to make them permanent Administrative Bodies, and in some cases actually to give them tolerably effective control over School Boards representing large populations, because they would have a good deal to say as to what sums should be given to the schools within the districts. It was absolutely necessary that the Minute of August and of January should be reverted to in the main feature, that there should be power in the Central Authority to give grants of considerable lump sums to those districts which needed them for secondary education in higher class schools which were doing efficient work, or would undertake to do it. If that was sufficiently provided for; and if after that was done it was desired to distribute the balance more or less according to population, he would not have very much to say about it; but unless that cardinal feature was adverted to, he could see nothing but harm from the giving of these sums of money to Local Bodies to administer within their districts, many of them being miserably inadequate for

the purpose, and which would set up a system that never could be national or comprehensive, and would only stand in the way of the needful reforms. He begged to move the Resolution.

Moved—

"That an humble Address be presented to Her Majesty praying that consent may be withheld from the Minute of the Committee of Council on Education in Scotland relating to secondary education, dated 1st May 1893."—*(The Lord Balfour.)*

THE EARL OF ELGIN desired to add his testimony as to the great difficulty existing in Scotland as to the matter of secondary education. It was necessary to enter into the reasons which had caused dissatisfaction with the Minute now on the Table, but this new policy had been adopted in face of the opposition of a large majority of the Bodies created by the Minute itself. Twenty-four against 15 of the county committees had pronounced in favour of the Minute of January; and although the Secretary for Scotland stated elsewhere that that was counterbalanced by the fact that the population represented by the 15 were equal to the population represented by the 24, the force of that argument was diminished by the fact that since then Glasgow, Edinburgh, and Dundee had pronounced against the policy of the last Minute. It was said that this was ratepayers' money. He did not know in what sense money raised by taxation was ratepayer's money. In the Act of 1889-90 there was a provision that the educational surplus should go in aid of the abolition of fees, and the grant was not distributed in accordance with the population or valuation, but in accordance with the returns of the attendances at the schools—that was to say, in accordance with the necessities of the case. In the same way the grant of £30,000 for University purposes was put into the hands of the University Commissioners to distribute according to the needs of the localities. There was considerable feeling in Scotland that even the £57,000 was by no means sufficient to meet all the requirements of secondary and intermediate education. When the matter was before the House in the early part of the year he stated that the committees were purely temporary, and created for a specific and definite purpose. It was a great satisfaction to him personally that

no objection was taken by any of the Bodies appointed in Scotland to nominate their representatives on those committees, because, if they had done so, the Education Department had no power to enforce nomination, and even now, in the altered form of the committee, if any Bodies chose to withdraw their representatives and refused to appoint others, the whole scheme of the Department would be in danger of being wrecked. It was said that these committees were to have no administrative functions; but it was very difficult to draw the line between administrative and non-administrative functions. At any rate, if the committees were not to have such functions, what became of the argument of those who wished to have local control? They had now a more centralised administration than ever, and the committees which, if properly organised, might become Local Administrative Bodies, were at present merely honorary purse-bearers. He was not speaking in any sense hostile to local administration, for he had long been one of those who advocated a reformation of the system existing in Scotland, with a view to introducing some proper form of local administration. The fact of the matter was that at present they had too many forms of local administration. What was wanted was something effective in the nature of reorganisation, and he had never been able to perceive why a national system of secondary and intermediate education in Scotland should be more inconsistent, with proper local administration and control, than any other branch of educational work. The result of these many forms of administration was a waste of energy and money. The great objection that he took to the Minute on the Table was that it not only did nothing in the direction of reorganisation, but created a new and separate fund in separate hands, and only added to the difficulty of the existing machinery. This was so prejudicial to the interests of Scotch education that he felt bound to support the Motion of the noble Lord. At the same time, he confessed that he thought the Government would have some difficulty in again altering their Minute, especially after what had taken place in the other House. It was generally admitted that the condition of things under either of the

Minutes would not be satisfactory, and the Government would act wisely if they held over some of those grants for another year for further consideration. If, in addition to this, they would give an assurance that they would not regard the committees as permanent, some of the objections which he held with regard to the Minute would be met. If the committees were instructed to hold their funds for the present year under the Minute now on the Table, and they were instructed to prepare in the meantime a more extended Report than was contemplated under the Minute of January, he thought there would be some hope that a scheme of reorganisation might be brought forward in the future—a scheme dealing with the whole subject, and involving the question of administration, as well as that of the allocation of the grants. He did not blame the Government exclusively for the difficulties that had arisen. The money became suddenly available, and they had to bring in a scheme, and perhaps they had not the opportunity to give the matter the full consideration that was desirable. The question of reorganisation, however, was of such supreme importance that he earnestly hoped the Government would take it into consideration.

***LORD PLAYFAIR** said, the Minute of January last followed as nearly as possible on the lines of the recommendations of the Committee over which his noble Friend (the Earl of Elgin) presided, and which was appointed by the noble Marquess opposite (the Marquess of Lothian) to consider the whole question. The supervision of education by that Minute was very largely entrusted to the Education Department, and its provisions met his own personal approval more than the present Minute. In the discussion that took place on this Minute in the House of Commons only one Member spoke in its favour, and the opinion was expressed that it was drawn up by someone at Whitehall who had no knowledge of Scotland. The noble Earl had spoken of Dundee; but Dundee, which at that time was one of the strongest opponents of the Minute of the 31st January, had since altered its opinion. The Government were obliged, in consequence of the hostile feeling in Parliament against that Minute, to alter it, and they did so in the hope that they might effect

a compromise in the matter, which might suit both parties. They made the grant available for distribution in proportion to the population, and they made the committees permanent which were formerly temporary. The duties of those committees were not administrative, but consultative and advisory. Through those committees the Government money was given to the schools after the Education Department had approved of a scheme for a county or a district. There was nothing in the Minute of the 1st May to prevent those committees from carrying out the educational provisions in the Minute of the 31st January. He admitted that the objection that the money was to be distributed according to population was a serious one, for the sparsely-populated districts, especially in the Highlands, where endowments were few, would receive a sum inadequate for the purposes of secondary education. But the Goschen Grant, as it was called, which was originally for the purpose of relieving local rates, was applied by the people of Scotland to the freeing of education, and this equivalent grant supplied the place of the money so intended to be distributed, and therefore the money now in question belonged to the various localities. He was authorised by the Secretary for Scotland to state that if this Minute should pass, he would next year, under Section 8 of the Minute of January 31, apply lump sums varying from £120 to £200 to all the counties before the distribution of the grant, so that much of the evil complained of would be prevented.

***THE MARQUESS OF HUNTLY** asked whether that would be out of the £57,000, or was it a new Vote?

***LORD PLAYFAIR** said, it was out of the £57,000. Then as to the objection to the Minute on the ground that there was not a sufficient representation of the School Boards upon the committees, he thought everyone would agree that with regard to secondary education those committees should be composite, and that Town and County Councils and Educational Endowment Bodies ought to be represented upon them as well as School Boards; but he could not now give any pledge in respect to the composition of those committees, because the different Bodies would have to be consulted. He admitted that the Minute of May 1

was not, in his opinion, thoroughly satisfactory, but what might be the consequence of rejecting it? An *impasse* would be produced, and for another year Scotland might be deprived of the money that was now available for the purpose of promoting secondary education. The House of Commons had already approved of this Minute by a large majority, and, therefore, if their Lordships were to disapprove of it, they would be putting a difficulty in the way of the Scotch Education Department, for they might not obtain the £57,000. For this year the localities would have £114,000, which was double what they would receive under ordinary conditions, and, therefore, if this Minute was allowed to go on, there would be a fund available even for the sparsely-populated districts. It would be the object of the Department to gratify the wishes of the county deputations by giving them lump sums in aid before the distribution of the grant. Under these circumstances, he hoped the noble Lord would feel that he had done a good work in drawing attention to the difficulties involved in the present Minute, and that he would not consider it necessary to take a hostile vote on his Motion, but would allow the Minute to proceed, always remembering that there would be a double amount this year, and that the people of Scotland would have the benefit of the grant for the promotion immediately upon its coming into force.

*THE MARQUESS OF HUNTLY also hoped the noble Lord would not press his Motion to a Division, for he thought that the speech of the noble Lord who had just spoken had gone a long way to meet any tangible objections to the Minute. He thought his noble Friend was wrong in attributing more authority and power to the county committees than they possessed. The county committees under the Minute of January 31 were temporary bodies. Under that of the 1st May they were made permanent, but they were not administrative bodies; they were merely appointed to recommend to the Education Department schemes for dealing with secondary education in their respective localities. The only difference between the two Minutes was that the later Minute gave more scope to those committees in framing schemes for the consideration of

the Department. That was the whole difference between them, except the distribution of the money. The noble Lord who moved the Address said there was a unanimous feeling in Scotland against this later Minute.

*LORD BALFOUR said, not unanimous, but a very general feeling.

*THE MARQUESS OF HUNTLY could assure the noble Lord there was as strong a feeling in favour of the later as there had been in favour of the first Minute. At the Conference of Representatives held on 26th May 12 counties appeared, representing grants equal to £9,494; but, on the other hand, the rest of the counties and burghs of Scotland which were not represented at that Conference represented total grants of £47,546. So that, practically, four-fifths of Scotland were not represented at that Conference. A strong opinion had been expressed in several quarters in Scotland that the Government could do nothing else to meet the difficulties which had arisen. As regarded the population question, one of the main objections to the first Minute was the hard-and-fast line of £120 to £200 for the existing secondary schools. In some of the outlying districts of Scotland there were no such schools; and, therefore, they could not avail themselves of Section 8 of the first Minute, but could only have got a grant upon the capitation principle. Under the first Minute Aberdeenshire would have been far worse off, for instance, than the County of Clackmannan, which was already well supplied with secondary schools, and could at once claim the grant under Section 8. That was really where the shoe pinched. He hoped the proposal of the Government would be accepted by the noble Lord upon the understanding that if in future it was found that grants could be given under Section 8 that would be done.

THE MARQUESS OF LOTHIAN said, that, as Secretary for Scotland last year, he was very largely responsible not only for the scheme of division of the equivalent grants, but also for the Minute which accompanied the Bill for that purpose, and consequently for the Minute based upon the Report of the Committee appointed to consider the matter. He thought the Government were bound to stand up for the unanimous Report which was signed by one of their

own Body. Silence on his part might be misunderstood, and he acquiesced in everything that had been said by his noble Friend. He entirely appreciated the conciliatory spirit in which the noble Lord opposite had met the views stated from that side of the House; but the statement he had made hardly went far enough to induce him to withdraw any opposition he might have to the scheme. Without wearying their Lordships by going again over the details, he understood the proposal of the noble Lord opposite was to increase the grants of £120 to £200 to a larger amount.

***LORD PLAYFAIR** had not said the amount would be larger than £200, but that the lump sum granted would probably be £200.

THE MARQUESS OF LOTHIAN had not understood whether the noble Lord was prepared to extend the grant of lump sums to schools already existing or not. If the larger amount was to be given to those schools, of course the sum then available would be less than before. The Secretary for Scotland had stated quite accurately that the committees were appointed for the express purpose of making recommendations to the Central Authority. Of course, if they were not, the whole thing would be simply ridiculous. If such large sums were to be given to Glasgow, Edinburgh, and the Counties of Lanark, Aberdeen, and so on, it would be simply impossible for the poorer districts to carry out the scheme at all. They would not have money enough, and therefore it was simply throwing ridicule upon them to say they were at liberty to carry out the scheme. Most of the counties in Scotland were in favour of the Minute of the 31st January, and the reason at bottom why the large burghs and centres of population were in favour of this proposal was that they would get the larger share. The policy of the late Government was that the poorer districts in Scotland should not on account of their poverty be deprived of their fair proportion of the grant. Not wishing to deprive the burghs of theirs, it was made one of the conditions of the grants that the fee should be limited to £3, and that any school charging above that average should not get the Government grant. They would, under the new Minute, be paying the richer districts and

depriving the poorer districts of education. If the noble Lord would give way upon the point of distribution on the basis of population, he would be satisfied; but so long as the grant was to be distributed on that basis, he could not vote for the proposal. The Secretary for Scotland must, according to the Circular which had been issued, himself have foreseen that the Minute would not be acceptable to the country. By the previous Minutes the country districts were led to believe they were going to get certain sums on certain conditions. All that policy was now reversed, and yet they were asked to be exceedingly zealous in the cause of secondary education. He did not think that was the way to encourage zeal. He quite saw the difficulty the Government would be placed in, and that it was quite true the grant would not be available this year if the Minute was not accepted by the House. Still, the policy which the Government had followed for six months was being reversed after a few weeks' consideration, and he did not see why that should not be done again, and another Circular put forward on the lines of that of the 31st January, which had met with the approval of most of those interested in education in Scotland.

***LORD SANDFORD** asked whether any precedent could be given for the creation of permanent committees by a Departmental Minute? He believed that this Minute had been passed *ultra vires*. It was doubtful whether the Education Department could by Minute set up even committees of advice, and it was surely much more questionable whether they could appoint permanent committees, more especially as those committees would certainly supersede the School Boards in some of their statutory functions. School Boards which existed in every parish and burgh in Scotland were, by the Act of 1872, entrusted with the management of education in every sphere outside of the Universities—the burgh schools, the night, and the county were handed over to them; and so much were they regarded as the authorities for secondary education that the Commission on Endowed Schools, presided over by the noble Lord who moved to set aside the Minute, had placed representatives of the School Boards on those committees of all these secondary schools.

Their Lordships had been told that the committees were in no sense administrative; but supposing any dispute arose between a permanent burgh committee and the School Board, would not the Scotch Education Department be likely to decide in favour of what might be called its own illegitimate offspring—the burgh committee? The Circular issued on the 1st May recognised the local committees as having power over the burgh schools. The argument that the Minute was supported by one-half of the population was not much to the point. Such populous cities as Glasgow, Edinburgh, and Aberdeen were saturated with endowments; they had more endowments for secondary education than they knew how to dispose of. Yet they naturally voted for a distribution of the grant on the basis of population; and overruled the votes of many rural counties; while such counties as Linlithgow, Haddington, Midlothian were so near Edinburgh that their population largely availed themselves of the endowments there, and they wished in addition under this Minute to get the share which would fall to them according to population. Sins of omission, as well as of commission, might be charged against the Minute. The power of combination between county and burgh committees previously given was now left out. Dundee and Forfar, for instance, could not now combine, and by combination settle their differences between the urban and rural populations. The sums allotted to Ross and Nairn were £90 and £121 respectively. What could those counties do with sums so small? If they had the power of combination with neighbouring counties they might turn that money to some account. Another omission applied to Free Church and other voluntary schools of the parochial type throughout the Highland districts. The former Minute proposed to allow them to receive grants for the children who could attend the advanced classes in these schools, but could not possibly go to the county towns, while this Minute cut their schools out. Probably, if this Minute was rejected, either as being *ultra vires* or for any other reason, that of the 31st January would *ipso facto* revive.

THE EARL OF GALLOWAY said, he had received communications from the

Lord Sandford

South-West and other parts of Scotland against the Minute, and certainly their Lordships would be fortified in rejecting it by the opinion which the noble Lord opposite had himself given of it. It would be of no use in small counties, the money set apart for them in the division being too limited. No argument had been shown in favour of it, and he hoped his noble Friend would go to a Division.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of Kimberley): My Lords, I will not detain the House more than a few minutes. My noble Friend (Lord Playfair) has really stated the whole case most completely. With regard to what has been said by Lord Sandford about the legality of the Minute creating these committees, my answer is that the Government have taken proper legal advice upon the subject and have been assured that it is within their powers to do so. As to the remark that having set aside one Minute the Government might produce another one, it is not very encouraging to us to produce another. I certainly thought it a very excellent Minute, and supported it in this House; but when it came to be considered in the other House, it was not supported.

LORD BALFOUR said, it was never condemned on its merits.

*THE EARL OF KIMBERLEY: I know that is the view of my noble Friend, but our view is that it was condemned. Nobody spoke in favour of it.

THE EARL OF GALLOWAY said, it was brought on quite unexpectedly after midnight.

THE EARL OF KIMBERLEY: My noble Friend, who was most anxious that this Minute should be accepted, thought it his duty to re-consider it, and what was the result? When this Minute of the 1st May was challenged, it was found there was no such opposition to it as was represented. The numbers in the other House for and against were 133 and 36. That is, I think, a very complete justification of the course taken by the Government. The Minute was changed with the view of meeting objections that had been taken to it, and we are now told that we ought to take back the Minute of the 1st May and bring in another. It seems to me much better that we

should now adhere to the Minute. I do not think it is well to be continually changing. A *bonâ fide* attempt has been made to meet objections, but, like other well-meant attempts, it has not pleased everybody. It appears to be thought that the Government has been guilty of some inconsistency in not following the advice of the committees they have consulted. It is true that the committees were 24 to 15 against the Minute of May 1 and in favour of the former Minute; but they represented nearly equal populations. The population argument appears to meet with less consideration than it deserves. The equivalent grant really represents certain money which would have gone to the ratepayers, and therefore it seemed reasonable to say that it ought to be divided amongst them in proportion to their numbers. The general question is one on which experts may differ. Some are in favour of one method of allocation and some of another, and this Minute is an attempt at a compromise between them. As has been already stated, the Government will be glad to meet the objections that have been urged now when the time comes round to re-consider the matter next year. It would be, on the whole, very unfortunate if, on account of differences which, after all, are of a very slight character, it should be necessary through an adverse vote to deprive Scotland of this assistance to secondary education for another year.

*VISCOUNT CRANBROOK: My Lords, we are in a very peculiar position in this matter because the Minute has not been defended by its authors. On the contrary, it has been entirely surrendered; for Lord Playfair has practically given up every point—that is, contested ones—and admitted that the Minute is, at all events, so open to controversy that we cannot agree to consider the question settled by it. It constitutes permanent committees, and was, therefore, meant to be of a permanent character. Those permanent committees would assume the control of education. No answer has been made to the objection that, in consequence of the form of the present Minute, the money granted will, under it, in all probability go largely to people who are able to pay for the education of their children instead of to poor people who are not able to pay. The noble Earl the Leader of the House expressed his approval

of the first Minute in February, and there has been no change whatever since that Minute was issued in the equitable rights of the ratepayers, although he sets up something of that kind now as countervailing that which he thought absolutely just in February. Noble Lords on this side feel that the population basis would lead to great injustice in Scotland, and we feel strongly the injustice of giving the money to those who do not require it to the detriment of those who do require it. There is no necessity to deprive Scotland of the grant for a year, and there is abundance of time to make temporary provision for the present year, because there is no probability that Parliament will rise very early. When it is found that practically those who give the Minute Parliamentary support do not support it morally, and when it is admitted that the Minute requires to be remodelled, why should Parliament express an opinion different from that which the Government itself has expressed—that this is not a Minute which will settle the question?

On Question put?

Their Lordships divided:—Contents 84; Not-Contents 25; Majority 59.

Resolved in the Affirmative.

DOCK AT GIBRALTAR.

RESOLUTION.

VISCOUNT SIDMOUTH moved for any correspondence which might have passed between the Admiralty and any other Government officials in reference to the contemplated dock at Gibraltar. He said that the accidents which had happened within the last few years to some of our valuable vessels showed how necessary it was that places in which they could be repaired should be provided within easy reach. H.M.S. *Howe* would have been lost where she grounded near Ferrol but for the proximity of dock-yards of a friendly Power. In two other cases—H.M.S. *Victoria* and H.M.S. *Sultan*—happened, fortunately, to be within easy reach of Malta. Other Naval Powers had improved their docks in the Mediterranean and increased their number. If the disaster which had befallen the *Howe* had happened in time of war, it would have been impossible to save that vessel. We had a great commerce to protect, which was equal to that

of all other nations taken together. Regarded, therefore, as a question of insurance for our vessels, he asked whether it was safe to have only one dock in the whole Mediterranean in which our ships could be repaired? France had nine docks at Toulon; at Marseilles she had six or seven; at Algier she had two, and at Tunis she had now a considerable naval station within 250 miles of Malta. The Italian and Spanish Governments had been increasing their harbour accommodation. The former was spending vast sums on harbour and naval works, and at Genoa and Spezzia Italy had some of the finest docks in the world. At Malta we had four docks, the fourth just completed and large enough for any vessel. When the *Victoria* was taken to Malta there was the greatest difficulty in getting her in. We had no means of repairing a large vessel at Gibraltar, and if she met with a misfortune she would have to go to Malta or to come home to Plymouth or Portsmouth. He had been told by Lord Elphinstone, about four years ago, that plans had been received at the Admiralty, and that sites had been named at which docks should be constructed; but nothing had been done. The docks would, it was estimated, take five years in construction, and it was said that the cost would be about £250,000—a mere trifle to this country. If they were to adopt the system of paying Members of Parliament, an annual sum would be required which would very nearly cover the cost of that dock. He trusted that the noble Earl opposite (Earl Spencer), who had recently visited Gibraltar, would give some assurance that the plans which had been for so many years before the Admiralty, and had been approved by them, and by distinguished naval officers, would be carried out, or other plans substituted for them. The late Lord Carnarvon had stated in this House that Gibraltar was such a bad harbour that it would be inadvisable to spend money upon it. But since then works had been constructed there, and ships of large size could get in. It would, therefore, be worth while to make that station a place fit for repairing men of war. All our Naval Advisers had for years past been in favour of the immediate execution of this work.

Viscount Sidmouth

Moved, "That there be laid before the House any correspondence which may have passed between the Admiralty and any other Government officials in reference to the contemplated dock at Gibraltar."—(*The Viscount Sidmouth.*)

LORD HOOD OF AVALON concurred in all the noble Viscount had said in reference to the importance of constructing a dock at Gibraltar. When he held the position of Senior Naval Lord of the Admiralty the matter came up for consideration. The questions involved were—Was such a dock necessary and advisable; what was the most suitable site for the dock, and what would be the probable cost? On the first point the decision was unanimous in the affirmative, but it was deemed advisable not to press the execution of the work at that time. As to site, many proposals were made by different officials. Subsequently, the Director of Works went to Gibraltar, and after careful observation and inquiry came to the conclusion and reported that not one of the sites proposed was suitable for the construction of a dock. He added, however, that there was a suitable position on the rock—the New Mole Parade—and that the construction of a dock on that site would cost much less than on either of the other sites suggested, and, moreover, that a dock on this spot would be protected from the fire of an enemy's ships. The War Department was made acquainted with this Report of the Director of Works, and he believed it had been practically agreed to by the Department.

EARL SPENCER: I question very much whether the noble and gallant Lord is justified in referring specifically to a confidential Paper which came under his notice officially, and which has not been presented to Parliament.

LORD HOOD OF AVALON said, he had intended to read his own official Minute on the Report of the Director of Works, but would not do so after what the noble Earl had said. He would merely add that he regarded the question of the construction of a dock at Gibraltar capable of receiving our largest ironclads as of the greatest importance to the nation and the Navy. The estimated cost of the work was £366,000, a sum not to be considered for a moment in comparison with the value such a dock would be to the country in case of war.

***LORD SUDELEY** reminded their Lordships that the matter had been before the House a great many times, and he hoped the noble Earl at the head of the Admiralty would be able to state that the work of building the dock would shortly be commenced. No doubt the principal cause of delay had been the question of money. He hoped the noble Earl would be able to overcome that difficulty, and would find a means of obtaining the money otherwise than by including the necessary sum in the annual Estimates. This work, however, was only one of several that were required for further strengthening the Navy; and if we were to maintain our supremacy at sea, those works must be carried out. The other great European naval Powers were spending largely on Naval construction: the expenditure of France was £4,000,000 a year and of Russia £2,500,000, together £6,500,000 as against our own £4,500,000, and it was of importance, therefore, that this should not cut into the annual Estimates.

LORD BRASSEY recognised the importance of constructing a dock at Gibraltar, and regretted that it was necessary to suspend the work when he was at the Admiralty in deference to considerations of finance connected with the shipbuilding programme of the Navy. The Admiralty were now in a much better position in regard to public support as to the necessary expenditure for the Navy, and he hoped the Motion of the noble Viscount would be accepted.

THE FIRST LORD OF THE ADMIRALTY (Earl SPENCER): My Lords, I have not much difficulty in meeting the question which has been brought forward by the noble Viscount, for in the main I certainly agree with the noble Viscount and with the other noble Lords who have addressed the House. The question of constructing a dock at Gibraltar is, no doubt, an exceedingly important one. The noble Viscount has referred to my recent visit to Gibraltar. That visit has confirmed the opinion which I previously held, that the establishment of a dock at Gibraltar is a matter of the greatest possible importance to the Navy and to the country. In case of war a dock there would be essential, for no doubt Gibraltar would be one of the most important bases for our Navy. I therefore agree that it would be of enormous importance to have

a dock at that place where even our great battleships could be repaired if necessary. This question, however, has been mixed up with two others—the question of lengthening the Mole and that of further protection from torpedo attacks. These matters have to be considered together. The late Board decided that the works for the improvement of Gibraltar should be commenced by lengthening the Mole, and they took money for it last year.

VISCOUNT SIDMOUTH said, that what had been stated was that the lengthening of the Mole would be in connection with the new dock.

EARL SPENCER: I do not see why the noble Viscount finds fault with what I have said. I have stated that these various matters are all mixed up together; that the late Board of Admiralty decided that the work should be commenced by lengthening the Mole, and they took money for it last year, but it was found inexpedient and impossible to begin the work. The present Board of Admiralty, adopting the same view, that it is of the greatest possible importance that the work should not be delayed a moment longer than is necessary, have taken a similar estimate this year. The Admiralty, therefore, intend immediately to begin the work necessary for the improvement of Gibraltar, and they have adopted the view taken by the late Board—that the lengthening of the Mole should be first proceeded with. As to the question why the dock cannot at once be begun, I would remind your Lordships that the Naval Votes cannot be increased beyond a certain point, and the late Board, as well as the present Board, had to consider which of the great works that are no doubt necessary to meet the requirements of modern ships should have precedence. There are very important works connected with docks to be carried out at Devonport and works at Chatham, with regard to the housing of seamen on shore, and all those questions have been considered as to which is the most important for immediate action. The Government have decided, as the late Board did last year, that the great works at home should have precedence, and, therefore, the new dock at Gibraltar cannot be immediately carried out. With regard to the actual plans as to the dock at Gibraltar, though I cannot go so far as to say that the plans have been actually

decided upon, I have no doubt that we shall be at once able to come to a decision as to which plan is best. As to the coaling question as regards merchant vessels, it is one of very great importance, and will, no doubt, have to be considered at some future time. I only refer to it as one of the questions which have been raised in connection with the whole position of Gibraltar. There is also the question of sanitation. Both those questions are matters almost entirely for the consideration of the Colonial Department, but I have every reason to believe that the question of the sanitary condition of the harbour will be settled satisfactorily. With regard to the actual Motion, I am not able to accede to it. I know of no Papers that can with safety to the interest of the Public Service be presented, and therefore on public grounds I must decline to accede to the noble and gallant Lord's request.

VISCOUNT SIDMOUTH asked whether he had rightly understood the noble Earl that the site had been actually applied for?

EARL SPENCER: I cannot say that the site of the dock has been decided on, but the Board will have no difficulty in coming to an immediate decision when we think it desirable to act.

*THE MARQUESS OF SALISBURY: My Lords, I only wish to make one suggestion, and that is, that whenever the noble Earl has a plan which he approves—no doubt it will be a good one—he should put it into an Act of Parliament instead of trusting to the yearly Votes. Let him remember the fate of Alderney and of Dover—that experts change their opinions almost every three years, and that if he begins the Mole this year, it will be converted into a dock three years hence, and into something else three years later. The only chance of a steady policy and of confining the money to an object which will produce some fruits is that when the scheme has been made it should be placed beyond the reach of alteration.

Motion (by leave of the House) withdrawn.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 5) BILL [H.L.].—(No. 89.)

Committed to a Committee of the Whole House.

Earl Spencer

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 6.) BILL [H.L.].—(No. 90.)
Committed to a Committee of the Whole House.

GAS ORDERS CONFIRMATION (NEWENT &c.) BILL [H.L.].—(No. 84.)
Committed to a Committee of the Whole House.

GAS ORDERS CONFIRMATION (BROMYARD, &c.) BILL [H.L.].—(No. 85.)
Committed to a Committee of the Whole House.

LAND TAX COMMISSIONERS' NAMES BILL.

Brought from the Commons; read 1^a; and to be printed. (No. 133.)

PUBLIC LIBRARIES (IRELAND) ACTS AMENDMENT BILL.

Brought from the Commons; read 1^a; and to be printed. (No. 134.)

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 6) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 135.)

WATER PROVISIONAL ORDERS (No. 1) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 136.)

PIER AND HARBOUR PROVISIONAL ORDERS (No. 1) BILL.—(No. 117.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

PIER AND HARBOUR PROVISIONAL ORDERS (No. 2) BILL.—(No. 112.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

COUNTY SURVEYORS (IRELAND) BILL [H.L.].—(No. 86.)

Amendments reported (according to Order), and Bill to be read 3^a To-morrow.

House adjourned at twenty minutes past Seven o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 8th June 1893.

PROVISIONAL ORDERS BILL.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 17) BILL (*by Order.*)—
(No. 376.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
"That the Bill be now read a second
time."

*MR. PAULTON (Durham, Bishop Auckland), in rising to move "That the Bill be read a second time upon this day six months," said, his opposition was directed only against the first of the two Provisional Orders included in the Bill, for with the merits of the second Order he was not cognisant or concerned. He did not see why it was necessary that two Provisional Orders—the one distinct from the other—should be included in the same Bill. But it seemed it was the practice, and he regretted that in opposing the Coventry Sewage Provisional Order he endangered the Shevington Provisional Order. In venturing to oppose the Second Reading of the Provisional Order Bill he was not asking the House to decide between the rival merits of the different schemes. His contention was that the interests involved were such as should not be interfered with by Parliament unless it could be shown that a necessity existed, and that there was no alternative. That, he believed, was a reasonable and proper Second Reading objection. At present the sewage of Coventry, with a population of 50,000, was conveyed to tanks at Whitly, a mile from the city, chemically treated there, and the effluent discharged into the River Sherbourne. The Corporation of Coventry found a difficulty in disposing of the sewage by this method at present, and they proposed that the sewage should be carried for a distance of three or four miles to Ryton Bridge, and there discharged in a crude state on lands along the banks of

the river according to a system that was called "broad irrigation." He would remind the House that the system of broad irrigation had been found in many cases unsuccessful and objectionable, as in the case of Wolverhampton. The land in question consisted of long, narrow stretches running for three and a-half miles on both banks of the River Avon. Confessedly, much of the land was unfit for the purpose for two reasons: first, because of its impervious nature, for it was composed of clay and hard marl; and, secondly, because it was subject to flooding. It must be apparent to the House that, as the land was subject to flooding in all seasons of the year, the sewage would be swept into the River Avon, polluting it to a great extent. He could quote from the evidence given before the Local Government Board inquiry to show that that would be the effect of the system. He asserted that it was contrary to public policy to divert the sewage of a great city like Coventry from its natural easement area or watershed to another distinct and even distant watershed; and he also asserted, on the authority of an eminent counsel, that to take compulsory powers for such a purpose was unprecedented, and could only be justified by a clear and absolute necessity or in the absence of an alternative, neither of which reasons existed in this case. He could quote from the evidence taken by the Local Government Board inquiry that there was no necessity for this particular scheme, and that a suitable alternative did exist. But he had another strong reason to urge against the Provisional Order, on the ground of public interest. He did not stand there to defend the private interest of any individual, though Lord Leigh's name had been mentioned; but this he should say: that it would indeed be a very strange illustration of the irony of fate if, of all men in the world, Lord Leigh was subjected to injury at the hands of the followers of the present Prime Minister. The scheme would injure Stoneleigh Park, one of the most beautiful public parks in England. He said "public park," because it was at all times frequented by the public. It was the admired resort not only of the residents of the neighbourhood, but of English visitors and travellers from all parts of the world who come to visit the

birthplace of Shakespeare. The park was also used for many public purposes, such as a camping ground for the Volunteers and Militia during their annual training. It was used, too, for the more peaceful purposes of public oratory, as his right hon. Friend the Chief Secretary was aware; and it was also constantly and daily used for picnics and school treats. If anyone were inclined to smile at such purposes being described as of great importance, he asked them to remember that to the artisan population of the town and the hardworking schoolmasters such events were of real importance. He said emphatically that to run the risk of polluting the Avon, which flowed through the whole of this district, and to create a public nuisance by establishing a large sewage farm adjoining the park, was a thing he believed the House would not sanction if it could possibly avoid it. The scheme was opposed by the County Council of Warwickshire, and by the Avon riparian owners, and they had spent some thousands of pounds in their efforts to set aside the scheme. He would not go into the alternative scheme. It was, the enlargement of the present sewage premises and the filtering of the sewage through land suitable for the purpose; and the Corporation of Coventry had, on the advice of that eminent engineer, Sir Robert Rawlinson, purchased sufficient land for the purpose of carrying out the alternative scheme. It was not enough for the Corporation of Coventry to say that the present scheme was the cheaper scheme. Cheapness was not everything where the public interest was involved, and an absolute necessity for interfering with the public interest should be first shown. It was sufficient for his purpose to say that the engineer of the Corporation himself admitted that the alternative scheme was an efficient, a sound, and a feasible scheme. That fact had been practically admitted by the Local Government Board itself, for it was no secret that the Local Government Board, after the inquiry, asked or suggested to the Corporation of Coventry that it should give favourable re-consideration to the question of adopting the alternative scheme as opposed to the scheme now before the House. He would further say, as an indication of public feeling in Coventry—and he hoped he would not shock any

hon. Members by saying it—that amongst the betting fraternity the odds were 4 or 5 to 1 against this Provisional Order being confirmed. He had asked to see the Report of the Local Government Board Inspector who conducted the inquiry, and he was told it was a confidential document. He made no complaint of that, though he understood it was not the uniform practice to refuse to show the Inspector's Reports—

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. H. H. FOWLER, Wolverhampton, E.): It is the uniform practice.

MR. PAULTON said, he accepted the assurance of his right hon. Friend on the point. The reason he was anxious to see the Report was because he had been assured on very good authority that the Inspector had expressed himself as favourable to the alternative scheme in preference to the scheme contained in the Bill. Still, he was willing to assume—indeed he should assume—that in confirming this Provisional Order the Local Government Board were acting strictly in accordance with the Report of their Inspector. But he did not know that the Inspector reported specially in favour of the scheme contained in this Bill. He did not know that it was the duty of the Inspector to do so. So far as he was aware—and if he was wrong the President of the Local Government Board would correct him—it was no part of the duty of the Local Government Board, in considering or confirming a Provisional Order, to do more than to take care that the statutory conditions were complied with. The responsibility for the merits of the scheme and the successful carrying out of the scheme fell not on the Local Government Board, but on the Local Authority. The Local Government Board is not bound, and could not be held to be bound, to declare that any particular scheme was the best and only scheme. All that the Board had to do was to decide that the scheme submitted to them was a feasible and a fair scheme. It could not, therefore, be contended that it would be any reflection on the Department if, in the case of a Provisional Order involving serious questions of public importance, and affecting injuriously a beautiful and historic locality, the House of Commons refused to sanction it. There were absolutely no

Party or political considerations involved in this matter. If he had chosen to import Party arguments into the discussion in favour of the rejection of the Provisional Order, they would certainly not be adverse to the Government of which he was a follower. He sincerely hoped that the question would be left an open question by the Government, as all Private Business should be; and he appealed to hon. Members on both sides of the House, who were mindful of the preservation of a district of historic interest from pollution by a public nuisance, to support him in the Amendment which he now begged to move.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Paulton.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. FREEMAN-MITFORD (Warwick, Stratford) said, there was an injunction which was laid in equity upon every individual, and which he ventured to think applied equally to Public Corporations—"Sic utere tuo ut alienum non ledas." Now, in this case the "*tuum*" was the sewage of the City of Coventry; the "*alienum*" was the River Avon, and one of the most beautiful districts in the County of Warwick. The injury which would thus be inflicted upon a whole neighbourhood would only be justifiable in a case of the direst necessity. No such necessity existed here. Mr. Mansergh, the eminent engineer employed by the Corporation of Coventry, admitted this in his evidence at the inquiry held by the Local Government Board. He only preferred the pollution scheme on account of its cheapness. Major Fosberry in his evidence went a step further. He condemned the proposed scheme, firstly, on the ground that a sewage farm should not have more than one, or at most two, outfalls, as it was the manager's imperative duty to see the state of the effluent every day—perhaps two or three times in a day. Secondly, on the ground that there was great temptation to turn the sewage into the river when the crops did not need it. He had known this happen frequently. He went on to say—

"Open ditches or watercourses, as well as outfall drains, are a source of danger that, in my opinion, condemn the scheme absolutely."

Mr. Baldwin Latham, another civil engineer, admitted that a Corporation should not take its sewage to another watershed where it could be avoided. Mr. Mansergh admitted that, as far as he knew, such a course was unprecedented. Mr. Purnell, the city surveyor, cross-examined on the plan recommended by Sir R. Rawlinson, condemned it, and then was compelled to admit that he had no experience of sewage schemes. What, in these circumstances, justified carrying this unpurified sewage by open channels and drains on to land liable to flooding, so that the filth must be distributed on land not proposed to be acquired by the Corporation? All Warwickshire was up in arms against the scheme. The riparian owners were opposed to it on account of the injury which it would inflict upon their property. The County Council were opposed to it on purely public grounds. The proximity of this mass of sewage on land liable to floods would render the village of Bubbeshall practically uninhabitable, while the amenities of several public roads and paths would be destroyed. Steneleigh Park, which had never been used for the selfish purposes of its owner, but had been thrown open to the public in the most generous way, would be ruined. Lord Leigh had a private rifle range, which was used by the Volunteers and by the Militia, who were encamped there often—indeed, he believed annually—and the very water which was now filtered by them for drinking purposes was the water which this scheme proposed to befoul. One word more as to the sentimental aspect of the question, and it was one which they could not disregard. In these days, when so much care was expended to protect our ancient buildings and monuments, surely some respect was due to those natural features—not less interesting in the matter of history and tradition—in which our country was so rich. He made so bold as to say that if the River Avon were to be treated in the way proposed by this scheme, there would be a cry of indignation from every English-speaking country. What would the Americans say if they were told that the best use to which we could put the River Avon was to turn it

into a common sewer? He thought that this question might safely be left to the justice and sense of the House of Commons, and he looked with confidence to the action of his right hon. Friend the President of the Local Government Board, knowing well what a calm and judicial mind he brought to bear upon every subject that was committed to his care.

MR. MUNTZ (Warwickshire, Tamworth) said, he was thoroughly acquainted with the district, and while he would not go so far as to say that the carrying out of this scheme would be a national calamity, he held that it would certainly be a Warwickshire calamity. Knowing as he did almost every foot of the locality, he had no hesitation in saying that the establishment of the sewage farm would be the greatest possible mistake. The River Avon, as had been stated, was continually subject to floods, and he had often seen the water extending for half a mile over the area in the locality of the proposed sewage farm. How anyone could have suggested a sewage farm in such a district he was at a loss to understand. He could not help feeling strongly that all that was required to meet the requirements of the Corporation was the enlargement of the tanks and the development of the present system. It had worked, he believed, satisfactorily for many years, and he failed to see why the necessary extension could not be carried out at a comparatively slight expenditure of money. With regard to Stoneleigh Park, he could not refrain from saying he endorsed every word that had been said. Lord Leigh had placed his park almost entirely at the disposal of the public, and it was one of the places most habitually resorted to by the inhabitants of Birmingham and the district. It would be a great hardship upon the inhabitants and upon Lord Leigh if this scheme, which to his mind was quite unnecessary, was carried into effect.

MR. BALLANTINE (Coventry) said, he should like to state briefly the position of the Coventry Corporation. Coventry had of late years enormously increased, and the drainage system was absolutely inadequate to meet the wants of the population. The present system resulted in the pollution of a stream, called the Sherbourne and another

stream, both of which were tributaries of the Avon; and the position the Corporation took up was that the proposed scheme would entirely free the Avon from pollution, which was the necessary outcome of the present system. In August of last year an injunction was obtained against the Corporation prohibiting them from discharging the city sewage into the Sherbourne, but the injunction was suspended for 12 months in order to give them an opportunity of formulating some new scheme. The Corporation thereupon consulted with the best advisers procurable, and Mr. Mansergh laid before them a scheme of broad irrigation which would, in his opinion, entirely prevent the pollution of the river. A Provisional Order was next applied for, and, as the result of a Local Government Board inquiry lasting nine days, the Provisional Order was granted. He concurred in every word that had been said with reference to Lord Leigh, who was one of the principal opponents of the scheme, and he was sure the Corporation felt also that he had acted with great liberality in throwing open his park for the use of the inhabitants of the district. They would not have undertaken this scheme, had they not been satisfied that Lord Leigh would not be affected in the slightest degree, and in support of that opinion he would read an extract from a letter written by the Town Clerk of Coventry to Lord Leigh. The Town Clerk wrote—

"I am desired to assure your Lordship that when the details of the scheme come to be considered, should it be found possible to remove your Lordship's objection by an alteration or modification, no effort will be spared consistently with the proper working of the scheme to meet your views."

That extract sufficiently showed the attitude of the Corporation. In this matter the Corporation had the work forced upon them by a Court of Law, and in undertaking it they had had the best scientific advice with a view to protecting the rights and liberties of every inhabitant in the district.

*MR. H. H. FOWLER: I assure my hon. Friend (Mr. Paulton) that I shall not regard any decision of the House on this matter as a reflection upon the Department, or upon myself. This is a question in respect of which, as the House has already observed, there is a great deal of conflicting and contradictory

evidence. It would require many hours to read the evidence submitted to me by both sides. The plain facts are these : The City Corporation have, in consequence of the injunction which has been mentioned, selected, under the advice of an eminent engineer, a plan which they think feasible. This plan has been carefully investigated by the Local Government Board, and the Corporation now ask for an opportunity of proving to the House whether it is not such a scheme as should in the ordinary way go before the Committee upstairs. The House, I think, will see that it is not a fit tribunal to undertake a judicial inquiry, and I therefore advise that the Bill should be read a second time, and be sent to the Committee, who will determine upon it in the ordinary way. I cordially concur with everything that has been said as to Lord Leigh, who is one of the most patriotic and public-spirited noblemen not only in the County of Warwick, but in all England. I do not say that it would not be well for the House to pause before inflicting upon him the slightest unnecessary injury. I am informed, however, by the Corporation that the scheme they propose will in no way injure Lord Leigh or affect his property. It is said we shall commit a crime against the civilised world by permitting the sewage to run into the Avon. But it is running into the Avon now.

MR. FREEMAN-MITFORD : Yes, but it is purified now.

*MR. H. H. FOWLER : The difficulty of the case is that it is not regarded as sufficiently purified, and it is considered that the present scheme will remove a great deal of the existing nuisance. I am quite of opinion that the Bill should be sent upstairs to the Committee, which is one of the fairest tribunals in the country. Personally, I should be content if the Committee came to the conclusion that the scheme ought not to go forward. I granted the Provisional Order with very great reluctance and very great hesitation ; but having come to that conclusion, I shall, if we go to a Division, vote against the Amendment, as I desire to give the Corporation the opportunity of defending their scheme before the Committee.

MR. LONG (Liverpool, Derbyshire) said, that under ordinary circumstances he confessed that the arguments

of his right hon. Friend ought to carry weight with the House. The almost universal practice of the House in the case of a Private Bill was to pass it through the Second Reading and send it upstairs to the Committee, where evidence on both sides could be heard. This case, however, was different from ordinary cases. The Bill was one promoted by a great Corporation, who had the city rates to fall back upon, whilst the opponents of the measure were called upon to provide the sinews of war out of their own pockets. There was little doubt, from what they had heard, that there was a great conflict of evidence on the matter, and it followed that the inquiry upstairs would not only be a long and laborious one, but a very expensive one. The Provisional Order system was a very good one, but he fully believed that a bad impression would be created against it if full justice was not done to the opponents of the proposal before the Order reached the House. It should be remembered that even the purse of a nobleman was not inexhaustible. He thought in this instance a very strong case had been made out why the Bill should not go upstairs, and he should, therefore, record his vote for the rejection of the measure.

*MR. COBB (Warwick, S.E., Rugby) said, that as representing the Division mainly interested in this subject, he wanted to know why the President of the Local Government Board had not given them any clue as to the effect of the Report of the Inspector before whom the inquiry had been held ? What was the use of having Inspectors to make inquiries if they had not afterwards the benefit of their advice ?

MR. H. H. FOWLER : The Reports are confidential documents, and I take upon myself the sole responsibility of the decision that has been arrived at on the matter.

*MR. COBB said, he did not ask the right hon. Gentleman to lay the Report of the Inspector upon the Table of the House, but it was well-known whether the Reports were confidential or not—the main effect of them leaked out in almost every case. He was told distinctly that the effect of the Report of the Inspector in this case was against the scheme comprised in this Provisional Order and in favour of the alternative scheme. He

was not there to look after the interests of Lord Leigh—Lords were generally well able to look after themselves—but he was there to look after the interests of his own constituency. He was confident, however, that if the Bill went upstairs it would most unjustly cost Lord Leigh hundreds, if not thousands, of pounds, in addition to his great cost of the preliminary inquiry. As a lawyer he knew something of the expense of these inquiries. He appealed to the House to reject the Bill, for he felt sure that if the alternative scheme was carried out it would, although costing a few hundreds more to the City of Coventry, be found to work satisfactorily, besides removing a great cause of dissatisfaction.

MR. ARCH (Norfolk, N.W.) said, he hoped the Bill would be thrown out, because 25 or 30 years ago he had had painful experience in connection with the sewage of the town of Warwick, which was turned into the river and gave rise to great trouble. He did not see why some scheme could not be devised which would be of benefit to the public and remove from the neighbourhood any danger of pollution of the river or disease.

MR. H. H. FOWLER said, he would make a suggestion which, he thought, would remove a difficulty. Another Provisional Order was involved in the Bill, and it was hardly fair that that important Order relating to a town in Lancashire should be postponed for another year in the event of the rejection of the Bill. He would suggest to his hon. Friend the Mover of the Amendment that he take the sense of the House upon this question by moving the Adjournment of the Debate. He himself should vote against the Adjournment, because he was in favour of the Second Reading; but should the House, by agreeing to the Adjournment, express themselves unfavourable to the scheme, he would withdraw the Order from the Bill.

*MR. PAULTON said, that he would agree to that course on the assurance of the right hon. Gentleman that he would consider the Motion for the Adjournment tantamount to a decision on the Main Question.

MR. H. H. FOWLER consented.

Mr. Cobb

Motion made, and Question, "That the Debate be now adjourned,"—(*Mr. Paulton.*)—put, and agreed to.

Debate adjourned till To-morrow.

QUESTIONS.

RAILWAY WAGON REGULATIONS.

MR. POWELL-WILLIAMS (Birmingham, S.): I beg to ask the President of the Board of Trade whether he is aware that whilst Railway Companies are insisting upon compliance, on the part of private owners of railway wagons, with certain costly regulations affecting the construction and repair of such wagons, they have themselves large numbers of wagons in regular use which do not conform to those regulations; and whether he will take steps, by remonstrance with the Railway Companies or otherwise, to put an end to such treatment of private owners in this respect for the future?

*THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside): I am not aware that Railway Companies are taking the action suggested by the hon. Member, which would appear to be contrary to the terms of Section 118 of the Railways Clauses Act, 1845. The Secretary of the Railway Companies Association writes that—

"The Companies do not desire to put the private wagon owners to undue or unnecessary expense, but they are satisfied that when old wagons not up to the requirements of the specification are so far worn as to require substantial replacements, they should be abandoned, and wagons equal to modern requirements be provided. So far as the Companies' own stock is concerned, that practice is undoubtedly followed."

The House will understand that in the interests of public safety all wagons used on railways should be of proper construction and equipment.

MR. POWELL-WILLIAMS: Will the right hon. Gentleman be good enough to ascertain whether or not the Railway Companies have issued a circular to the owners of private wagons calling on them to comply with conditions which they do not themselves fulfil?

MR. MUNDELLA: I will inquire.

MR. TOMLINSON (Preston): Is there any legal body entitled to say what

grounds justify the Company in disallowing the use of wagons?

MR. MUNDELLA: I suppose Railway Companies themselves are the judges as to the proper repair and construction of the wagons.

CHOLERA VIRUS.

MR. HOPWOOD (Lancashire, S.E., Middleton): I beg to ask the Under Secretary of State for India whether inoculation of soldiers and others with cholera virus is taking place under the sanction of the authorities representing the Government of Agra; is this an experiment; by whose advice was it adopted; was it first submitted for consideration to the Government medical advisers, and with what result; and by what authority, law, or function of Government, is the proceeding sanctioned?

*THE UNDER SECRETARY OF STATE FOR INDIA (MR. GEORGE RUSSELL, North Beds.): The Secretary of State has no information as to the proceedings mentioned in the question of the hon. Member: but he will cause inquiry to be made. If such experiments have taken place, it has, no doubt, been by voluntary arrangement, and not by any authority, law, or function of Government. At the request of the Russian Ambassador, the Government of India was asked to give M. Haffkine facilities for visiting districts, towns and military stations where cholera may be prevalent, for seeing hospitals where cholera patients may be under treatment, and for inquiring into the causes and circumstances of cholera epidemics.

MR. HOPWOOD: Do I understand the hon. Gentleman to say that inquiry will be made into the circumstances?

MR. GEORGE RUSSELL: Certainly.

FOOD PRICES AT HOME AND ABROAD.

MR. TOMLINSON: I beg to ask the President of the Board of Trade whether he can supplement the information contained in the recently issued Paper (Commercial, No. 6, 1893), showing the average retail price per pound avoirdupois of various articles of domestic consumption in some of the principal cities of Europe in 1892, by giving also the average prices of similar articles in some of the principal cities of the United Kingdom for the same year?

*MR. MUNDELLA: The Board of Trade is not responsible for the Paper in question, and is not of opinion that any good purpose would be answered by a retrospective inquiry such as the hon. Member suggests. We are, however, at present engaged in an inquiry into the average prices of articles of food of workmen's consumption with a view to periodical publication.

MR. TOMLINSON: If I move for a Return in that form, will the Government object to it?

MR. MUNDELLA: It is not necessary. The Government are, as I have stated, making inquiries with a view to the periodical publication of this information.

DR. GREIG'S CLAIM AGAINST THE CHINESE GOVERNMENT.

MR. T. W. RUSSELL (Tyrone, S.): I beg to ask the Under Secretary of State for Foreign Affairs in what position the claim of Dr. James A. Greig, one of the Missionaries of the Irish Presbyterian Church in China, against the Chinese Government, now stands; and whether the settlement, announced by the Foreign Office on 31st March as having been arrived at with the Chinese Government, has been carried out; and, if not, whether he can state the cause of the delay in doing so?

THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir E. GREY, Northumberland, Berwick): According to the latest advices received from Mr. O'Connor on the subject of this claim, the Chinese Government were making some difficulties as to carrying out the settlement on which they had agreed in principle, urging, among other grounds, that the poverty of the district in which the attack on Dr. Greig occurred would make it very difficult to levy the full amount of compensation demanded. Mr. O'Connor had replied that these were considerations into which he could not enter, and has continued to urge a speedy settlement. There can be no doubt that he will continue his efforts, and that, if necessary, he will refer home for further instructions or support.

HOSPITAL ACCOMMODATION IN THE METROPOLIS.

MR. COHEN (Islington, E.): I beg to ask the President of the Local Government Board whether, in view of the pressure on the hospitals of the Metropolitan Asylums Board, he will take steps to ascertain if, and how far, these hospitals are being used by those who have the means of isolation at home, to the exclusion of cases urgently in need of hospital accommodation; and whether he will cause inquiry to be made into the effect of the isolation provided by these hospitals in preventing the occurrence of fresh cases in the houses whence patients are removed?

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. H. H. FOWLER, Wolverhampton, E.): From the inquiries which I have made of the managers of the Metropolitan Asylum District, I think there is no reason to suppose that any appreciable percentage of the patients in the hospitals of the managers are persons who could be properly isolated in their own homes. As a large proportion of the cases are admitted on the application of the Sanitary Authorities and of Medical Officers of Health, the managers have asked them to give a preference in their applications to the most necessitous cases. Such an inquiry as is suggested in the second paragraph would occupy a very considerable time, and it does not appear to me that the advantage which would be likely to be obtained is such as to render it necessary that such an inquiry should be undertaken.

THE ANGONI RACE.

MR. THOMAS BAYLEY (Derbyshire, Chesterfield): I beg to ask the Under Secretary of State for Foreign Affairs whether he has observed the statement given in a letter from J. A. S. Grant (Bey), dated 19th March, 1893, to C. H. Allen, Esq., Secretary of the British and Foreign Anti-Slavery Society, that a handsome, intelligent, well-featured black race, called Angoni, under the direct protection of Great Britain, to the West and North-West of the Shire River, are kept in slavery; and that when one attempts to escape he is speared to death, and, if he escapes, all the relatives, friends, and companions have to submit

to the poison ordeal; and will the Government give Her Majesty's Commissioner instructions and power to stamp out or control this evil?

SIR E. GREY: I had not seen the letter in question till my attention was called to it by the hon. Member. Mr. Johnston is making every effort for the suppression of evils connected with the Slave Trade in the Protectorate; and we have lately heard of at least one instance in which his exertions have been attended by marked success.

WELSH TITHE COLLECTIONS.

MR. GRIFFITH-BOSCAWEN (Kent, Tunbridge): I beg to ask the Secretary of State for the Home Department whether he is now aware that a different system of protecting County Court Bailiffs engaged in the collection of tithe rent-charge prevails in Cardiganshire than that adopted in the neighbouring Counties of Pembroke and Carmarthen; whether he is aware that tithe has been collected without difficulty in the two latter counties since the passing of the Tithe Act, but that the collection has been attended with scenes of disorder and violence in Cardiganshire, in the course of which Robert Lewis, the County Court Bailiff, has been repeatedly assaulted, and the execution of the orders rendered impossible; and whether he will take steps to compel the Local Authorities of Cardiganshire to afford adequate police protection to public officials engaged in carrying out the law?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (MR. ASQUITH, Fife, E.): With regard to the first paragraph, I am not aware that a different system of protecting County Court Bailiffs engaged in the collection of tithe rent-charge prevails in Cardiganshire from that adopted in the neighbouring Counties of Pembroke and Carmarthen. With regard to the first part of paragraph 2, I have made inquiries from the Chief Constables of the two counties in question. The Chief Constable of Carmarthenshire informs me that at first the tithes were collected not without difficulty; but latterly they have had little or no trouble. The Chief Constable of Pembrokeshire informs me that the system he has adopted is one of moral suasion,

and, with two exceptions, no secrecy has been resorted to. The reduced number of police engaged at recent disturbances and sales, the almost total absence of assaults on bailiffs, and none whatever on the police, show, in his opinion, that the scheme gives general satisfaction. With regard to the last part of paragraph 2 and to the third paragraph, I have nothing to add to the answer which I gave to this question on Thursday last.

MR. GRIFFITH - BOSCAWEN : May I inquire whether since last July Lewis has been assaulted on three occasions when he has attempted to collect tithes ; whether he was nearly murdered on the 5th May, and has been ill ever since ; and whether, in the circumstances, the protection of four men is an adequate protection for the bailiff ?

MR. ASQUITH : My information does not in the least accord with the statements of the hon. Gentleman.

THE UNITED SERVICE INSTITUTION.

MR. BURNIE (Swausea, Town) : I beg to ask the Secretary to the Treasury on what terms and conditions the valuable site about to be occupied by the United Service Institution at Whitehall has been granted to that body ?

THE SECRETARY TO THE TREASURY (Sir J. T. HIBBERT, Oldham) : The site upon which the United Service Institution is about to build is to be, on the completion of the new buildings, leased for 80 years from Michaelmas last at a rental of £350 for the first year and £580 a year thereafter.

SCOTCH PRISON OFFICIALS.

MR. W. WHITELAW (Perth) : I beg to ask the Secretary for Scotland whether he has come to a decision upon the cases of certain Scotch prison officers, with regard to superannuation, recently submitted to him ?

THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton) : I find that the case of a Deputy Governor which has been submitted to me was fully considered a year ago, and that the Treasury, under the late Government, declined to admit any claim for pension. A Prison Chaplain was the other case ; but I am informed that his claim is completely barred by the existing Rules of the Service relating

to superannuation. I have accordingly decided, upon full consideration, not to re-open a matter which has been so recently settled ?

MR. HUNTER (Aberdeen, N) : Is the right hon. Gentleman referring to the case of the Governor of Aberdeen Prison ?

SIR G. TREVELYAN : No, Sir : the Deputy Governor of Perth Prison.

MR. W. WHITELAW : I shall ask leave to bring in a Bill dealing with these cases, and if that Bill is not supported by the Government, I shall not be able to allow the English Prisons Bill to be proceeded with.

THE CASE OF JOHN JONES.

MR. HERBERT ROBERTS (Denbighshire, W.) : I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to the case of the prisoner John Jones, brought before the Bench of Magistrates at Llanrwst, Denbighshire, on the 16th ultimo ; whether he is aware that the prisoner is an ordinary labouring man of limited means ; whether it is a fact that the Bench, upon the charge of threatening a constable, ordered him (the prisoner) to find bail, himself for £25 and a surety for £25 ; whether bail for this amount was tendered on his behalf by a respectable tradesman, and a valuation of his effects, as proof of his sufficient means, produced to the Court ; whether this bail was refused ; and whether, in view of these facts and taking into consideration the helpless position of the prisoner, he will inquire into the case, with the view of granting a mitigation of the sentence ?

MR. ASQUITH : Yes ; and I have received a Report from the committing Magistrates. I understand that Jones is a man of bad character, with a record of many previous convictions for breach of the peace, drunkenness, riotous conduct, assault, and larceny extending over a period of 20 years. It is a fact that the Bench ordered him to find bail in himself for £25 and a surety for £25, as in the opinion of the Justices he was a dangerous character, and he had only recently been discharged from Carnarvon Prison and was under recognisances for his good behaviour when he committed the further offence with which he was charged. The person tendered as bail

for the prisoner admitted that there was an unsatisfied judgment against him for the sum of £2, which he applied should be paid by instalments; and the Magistrates, considering a substantial bail was necessary, did not think he answered this requirement, and refused him as bail. This is not a case in which my interference is called for.

EGYPTIAN PRISONS.

MR. SAMUEL SMITH (Flintshire): I beg to ask the Under Secretary of State for Foreign Affairs whether his attention has been called to the Report of a Commission, under the presidency of Mr. Justice Scott, Judicial Adviser to the Khedive, appointed to inquire into the condition of prisons in Egypt, in which it is stated that prisoners, while in gaol, are fed by their relatives, and only those who are without relatives, or deserted by them, are given a daily ration of bread to keep them from starving; whether the Director of Egyptian Prisons is an Englishman, and the control of this administration is in British hands; and whether Her Majesty's Government will take steps to bring the subject to the notice of Her Majesty's Agent and Consul General with a view to remedying this state of affairs, and assimilating the prison system of Egypt to that of civilised countries elsewhere?

SIR E. GREY: A Commission appointed to consider the best means of relieving the overcrowded condition of the Provincial gaols reported to the Egyptian Government in March, 1892. In their Report exception was taken to the system by which the friends of prisoners are allowed to provide them with food, and it was recommended that prisoners who are poor should be fed by the State, and that the measure should be extended to all prisoners alike as soon as the work done in the prisons should produce sufficient funds to meet this expense. Lord Cromer reported at the time that the adoption of this suggestion had been adjourned by the Council of Ministers for future consideration; but Her Majesty's Government have received no further information on the subject beyond what is contained in Lord Cromer's Report published in Egypt No. 3, 1893, page 23. The Inspector General of Egyptian Prisons is Dr. Crookshank, who was a Member of the

Mr. Asquith

Commission, and will, no doubt, carry out such reforms as the Egyptian Government may sanction.

INDIAN LEGISLATIVE ASSEMBLIES.

MR. CAINE (Bradford, E.): I beg to ask the Under Secretary of State for India if he will lay upon the Table of the House some information, in the shape of a Return or otherwise, showing the composition of the recently-elected Legislative Assemblies throughout British India, and the methods pursued by the various Governors and Lieutenant Governors in carrying out the provisions of the Indian Councils Act?

*MR. GEORGE RUSSELL: The Secretary of State will lay on the Table, if my hon. Friend will move for them, the Papers relating to this subject including notifications issued in *The Gazette*s of the several Governments in India to carry out the provisions of the Indian Councils Act of 1892. The appointment of additional Members under the Act is not yet completed; and the Secretary of State cannot, therefore, at present give the information asked for.

BRADFORD BARRACKS.

MR. CAINE: I beg to ask the Financial Secretary to the War Office what arrangements have been made for the repairs of the Barracks at Bradford?

THE FINANCIAL SECRETARY TO THE WAR OFFICE (MR. WOODALL, Hanley): Certain buildings which are dilapidated and insanitary will be removed; and accommodation will be provided for the men occupying them in the other portions of the barracks.

CANADIAN CATTLE IN SCOTLAND.

MR. CHAPLIN (Lincolnshire, Sleaford): I beg to ask the President of the Board of Agriculture, in reference to the statement as to the lungs of the Canadian cattle sent to the Board of Agriculture for examination by the Inspectors at the ports, how many suspicious cases, apart from the case of the animal landed from the *Lake Winnipeg*, have been sent up altogether by the Inspectors since the examination commenced; at what dates, from what cargoes, and by which of the Inspectors were they sent; and were the Veterinary Authorities of the Department unanimous in their opinion as to the character of the lungs?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (MR. H. GARDNER, Essex, Saffron Walden) : In addition to the case to which the right hon. Gentleman refers, the lungs of five animals have been sent up by the Veterinary Inspectors at the ports for examination since the special inspection of the lungs of Canadian cattle commenced. In the first case, the animal arrived at Liverpool by the *Numidian*, and the lungs were sent up on the 9th ultimo; in the second, the animal arrived at Deptford by the *Brazilian*, the lungs being sent up on the 29th ultimo; in the third, the animal was landed at Liverpool from the *Lake Winipeg*, the lungs being sent up on the 29th ultimo; in the fourth, the animal arrived at Deptford by the *Storm King*, the lungs being forwarded on the 30th ultimo; and in the fifth case the animal arrived by the *Lake Superior*, the lungs being sent up on the 1st instant. With reference to the concluding inquiry made by the right hon. Gentleman, I would observe that in regard to all questions of diagnosis I necessarily act, as he is aware, upon the advice of the Chief Officer of the Veterinary Department; but I have no reason to suppose that the opinion of that officer, in any of the cases in question, is different from that of his professional assistants.

MR. CHAPLIN : May I ask whether any of these cases of suspicious lungs were cases which, if they had been found to exist among English cattle, would have in the ordinary course led to the slaughter of the animals without hesitation?

MR. H. GARDNER : I can only repeat the reply I gave the right hon. Gentleman on a former occasion, which was that the result of the special examination to which lungs were subjected has proved satisfactory, except in the case of the animal landed from the steamship *Lake Winipeg*.

MR. STAVELEY HILL (Staffordshire, Kingswinford) : Can the right hon. Gentleman state from what Province of Canada the cattle came?

MR. H. GARDNER : I have no information as to that at the present moment.

MR. CHAPLIN : If there be any further suspicious cases sent up from the ports, will the right hon. Gentleman cause

the information to be made public at once?

MR. H. GARDNER : I am not aware what the practice of the Department has been in the past as to that. I will inquire.

INDIAN CURRENCY.

MR. CHAPLIN : I beg to ask the Chancellor of the Exchequer whether the recommendations of the Committee upon Indian Currency have been communicated to the Government of India; were they communicated by telegraph; and when does he propose to lay the Report of that Committee upon the Table?

THE CHANCELLOR OF THE EXCHEQUER (Sir W. HARCOURT, Derby) : The Report was signed on the 31st May, and transmitted to the Government of India on the 2nd June. The Government of India have been requested to communicate their opinions by telegraph as soon as possible after the receipt of the Report. The recommendations of the Committee have been telegraphed to the Indian Government; but we think it necessary that they should have the whole Report in their hands before they express their opinions. It is impossible to state, at present, when the Report can be laid before the House.

LORD RANDOLPH CHURCHILL : Then are we to wait until the Indian Government have considered the Report of Lord Herschell's Committee?

SIR W. HARCOURT : It is the duty of the Government to state what their view of the Report is, and they cannot do that until they know what is the opinion of the Indian Government?

LORD R. CHURCHILL : Is the right hon. Gentleman aware that both in Calcutta and in the City of London there are enormous speculations dependent on the decision that may be come to?

SIR W. HARCOURT : I am very sorry that the Government have no power to prevent speculations either in Calcutta or in London.

MR. A. J. BALFOUR : Can the right hon. Gentleman give a pledge that nothing will be done in India till this House has had an opportunity of considering the Report of the Committee and the opinions of the Indian Government thereupon?

SIR W. HARCOURT : I am afraid that I cannot give that pledge?

HARROW ISOLATION HOSPITAL.

MR. LITTLE (Whitehaven): I beg to ask the President of the Local Government Board whether the Harrow Local Board requested the Local Government Board to sanction a loan for the purpose of erecting an Isolation Hospital for Infectious Diseases on the 7th December last; whether an inquiry was held on the 5th of April in this year; whether any communication has yet been made to the Harrow Local Board as to the result of the said inquiry; and what is the cause of the delay; and are similar delays common when like applications are made?

MR. H. H. FOWLER: The Local Board have been informed of the suggestions which have been made with regard to the proposed hospital by the Inspectors by whom the inquiry was held, and that, subject to such suggestions being satisfactorily met, the loan applied for will be sanctioned by the Local Government Board. The facts as to the date of the application and of the inquiry are as stated. The inquiry was one which it was necessary should be held by two Inspectors of the Department, an Engineering and a Medical Inspector, and the arrangements with regard to the large number of Provisional Order inquiries, and the visitation of the ports by the Medical Inspectors in connection with precautions against cholera, occasioned in this case an exceptional delay which is regretted.

THE MANCHESTER REGIMENT AND THE LIMERICK MAGISTRATES.

MR. O'KEEFFE (Limerick): I beg to ask the Secretary of State for War if his attention has been directed to a resolution passed on Friday last at Petty Sessions by the Magistrates of the City of Limerick, requesting the Commander of the Forces in Ireland to remove the Manchester Regiment from that city, and to send a better conducted corps to that garrison; and whether this request will be acceded to?

*THE SECRETARY OF STATE FOR WAR (Mr. CAMPBELL-BANNERMAN, Stirling, &c.): I understand that a resolution, which has not yet been received, to the effect stated in the question, was passed by three of the Limerick Magistrates, a fourth Magistrate who was

present on the Bench taking no part. Five men of this regiment have recently been convicted of larceny. But the police report that there has been no general misconduct on the part of the battalion, and that there is no bad feeling between the troops and the townspeople. The Commander of the Forces in Ireland sees no immediate reason for removing the 1st Manchester Regiment from Limerick.

MR. THEOBALD (Essex, Romford): And how many of the three Magistrates were appointed by the present Government?

MR. CAMPBELL-BANNERMAN: As to that I know nothing.

THE SUPERANNUATION OF TEACHERS

SIR RICHARD TEMPLE (Surrey, Kingston): I beg to ask the Chancellor of the Exchequer whether arrangements are being made to begin giving effect to the Resolution of the House respecting the Superannuation Scheme for Elementary Teachers?

SIR RICHARD PAGET (Somerset, Wells): I beg to ask the Vice President of the Committee of Council on Education whether he can inform the House what is the exact amount of the addition to the present provision of £6,500, promised by him on 24th February last, to meet the more pressing cases of pensions to elementary teachers; whether the acceptance by the Government of a Motion for a National State-aided system of superannuation for teachers in public elementary schools is to be followed by any action during the present Session; and whether any, and what, provision of public funds will be made in the current year in furtherance of the scheme?

SIR W. HARCOURT: The question of giving effect to the Resolution of the House respecting the superannuation scheme relating to elementary teachers must depend upon the resources the Government have at its disposal for the purpose.

SIR R. PAGET: Are we to understand that during the present Session no provision is to be made for carrying out the Resolution passed unanimously by the House?

SIR W. HARCOURT: I said the amount of provision must depend upon the funds we have at our disposal.

SIR R. PAGET : Is it the intention of the Government to give effect to the scheme so far as the funds available will allow ?

SIR W. HARCOURT : The Government intend to proceed so far as the funds at their disposal will allow, but they do not intend to present a Supplementary Estimate.

SIR R. PAGET : This is a very large question—

SIR W. HARCOURT : Yes ; a very large question.

SIR R. PAGET : A great deal of interest is taken in it throughout the country. Is it intended this year to prepare a scheme ? Will one be laid before the House ? Will the right hon. Gentleman take steps to introduce his scheme ?

SIR W. HARCOURT : I have said we are very anxious to do something. But it is a very large matter. I mentioned in the Debate on the Resolution that it was practically represented by £25,000,000. I have not at this moment £25,000,000 at my disposal.

SIR R. PAGET : Perhaps the Vice President of the Council will answer that portion of my question which the Chancellor of the Exchequer has not replied to.

THE VICE PRESIDENT OF THE COUNCIL (Mr. ACLAND, York, W.R., Rotherham) : The £6,500 hitherto provided for pensions has been increased by the Government by £5,000. I am glad to say that this additional provision has enabled me for the present to meet nearly all the really necessitous cases, including many in which repeated applications had been already made, and had been refused from mere want of funds.

COUNTY COUNCILS AND TECHNICAL INSTRUCTION.

MR. RANKIN (Herefordshire, Leominster) : I beg to ask the Vice President of the Committee of Council on Education whether, under the provisions of the Technical Instruction Act of 1889, it is within the power of County Councils to give any part of the money accruing to them under the Local Taxation (Customs and Excise) Act, 1890, for the purpose of scholarships to be held at a school or college which is carried on for private profit ?

MR. ACLAND : It would appear that under Sub-section 1 (1) (f) of the Technical Instruction Act, the application of money accruing under the Local Taxation (Customs and Excise) Act to scholarships to be held at a school conducted for private profit, is inadmissible if any fees for the instruction of the scholar are received by that school.

DOCKYARD CLASSIFICATION.

MR. KNATCHBULL-HUGESSEN (Kent, Faversham) : I beg to ask the Secretary to the Admiralty what is the cause of the delay in announcing the decision of the Government on the subject of the system of classification in Her Majesty's Dockyards, which decision it was promised would be made before Whitsuntide ; and whether he can state the time at which it will be made ?

THE CIVIL LORD OF THE ADMIRALTY (Mr. E. ROBERTSON, Dundee) : I answered this question on Monday, and have nothing new to add to-day.

MR. KNATCHBULL-HUGESSEN : Is the right hon. Gentleman aware that the continued delay in coming to a decision on this question is leading to much irritation ?

MR. E. ROBERTSON : I have no doubt that the people concerned are anxiously awaiting the decision, but they are not more anxious than we are that the matter should be settled. It is hardly for the hon. Gentleman to blame us in reference to the administration of an Act adopted by the Government which he supported in the last Parliament.

HORSEFLESH FOR THE CONTINENT.

COLONEL HOWARD VINCENT (Sheffield, Central) : I beg to ask the President of the Board of Trade if his attention has been called to the statement that the steamship *Sheffield*, which collided on the 14th ultimo off Yarmouth with the *Londoner*, was carrying a cargo of old horses from Grimsby to Antwerp ; if he can say if such shipments are frequent, and if it is a fact that they are consigned to Belgium in order to be made into food, and in such case what steps are taken to prevent such food coming into the English market in the shape of sausages and preserved or potted meat ; and if the port officers of the Board of Trade will have especial instructions to see that

no cruelty is practised in placing the animals, worn out in English service, on board ship and conveying them to butchers abroad?

MR. MUNDELLA: My attention has been called to the statement that the *Sheffield* was carrying old horses when she collided with the *Londoner*. I am informed that she had nine old horses on board consigned to Belgium to be made into food, but not for the English market. Horseflesh is a common article of diet on the Continent, and shipments from Grimsby to Antwerp are not infrequent. The Board of Agriculture have power to make regulations for the prevention of cruelty, and any complaints on this head should be brought to the notice of that Department.

COLONEL HOWARD VINCENT: Has no complaint been received?

MR. MUNDELLA: None.

MR. STUART-WORTLEY (Sheffield, Hallam): Has the right hon. Gentleman any ground for supposing any cruelty is practised on board these ships?

MR. MUNDELLA: I have received no complaints whatever.

INDIAN SHIPPING REGULATIONS.

MR. FORWOOD (Lancashire, Ormskirk): I beg to ask the Under Secretary of State for India (1) whether his attention has been called to the recently promulgated Order of the Indian Government fixing the load draft of vessels leaving India, with regard to which the preliminary and final notices were only published in the *Bombay Government Gazette*, a paper having no mercantile circulation; (2) is he aware that the regulations differ from those issued by the English Board of Trade, which do not regard voyages between Gibraltar and Singapore as subject to the winter load-line, whilst the new Indian rules place the vessels on the same latitudes and seas under the loading limits for winter passages; (3) whether he is aware that the practical effect of the new regulations will be to restrict all vessels trading between Great Britain and India throughout the year to the winter load-line; (4) do the rules, which make a difference of one-twentieth in a vessel's carrying capacity, apply to foreign vessels trading with India; (5) does Section 43 of the Indian Load Line

Act of 1891, under which vessels arriving from England are exempted from its operation, apply to those vessels when departing from India; (6) and will he ask the Government of India to suspend the operation of the new Orders until the shipowners in England have had an opportunity of submitting their objections?

*MR. GEORGE RUSSELL: (1.) Yes, Sir; the Secretary of State has seen the regulations cited. Draft of the proposed regulations was made public at Bombay several months before they took effect. The regulations, as finally settled, were published in the usual way at that port. (2.) The Secretary of State is advised by the Board of Trade that the Indian regulations do not differ from the Home regulations, except so far as they declare what are in those waters "the recognized summer months" within the meaning of the regulations issued by the Board of Trade. (3.) The Secretary of State is advised by the Board of Trade that the practical effect of the Indian Regulations is not as suggested at Clause 3 of the hon. Member's question; though, from the nature of the case, the winter season at home and the foul season in India overlap one another. (4.) The regulations do not apply to foreign vessels. (5.) The Secretary of State is unable to state authoritatively what is the legal interpretation of the Act of the Indian Legislature. (6.) The Secretary of State does not propose to suspend the operation of the regulations; but any representation from British shipowners engaged in the Indian trade will receive careful consideration.

PANJGUR.

MR. CURZON (Southport): I beg to ask the Under Secretary of State for India (1) whether the Indian Government has withdrawn the small detachment of Native troops recently stationed at Panjgur, in South Beluchistan; and, if so, for what reason; (2) and whether, considering the recent political disturbances in Beluchistan, the Government will consider the propriety of retaining this force in a district of so much political and strategical importance?

*MR. GEORGE RUSSELL: (1.) Yes, Sir; the Government of India have withdrawn a small detachment, who

were left temporarily in Mekran as escort to the Political Agent with the object of securing execution of certain awards. The Government of India refused to retain troops when it was found that awards could not be executed in a definite period, and that their further employment involved direct assumption of administration. The Government of India were of opinion that (a) the assumption of jurisdiction over Kej and Panjgur would add materially to British responsibilities in Beluchistan, and the expenditure entailed would certainly increase considerably in the course of a few years. (b.) The employment of a British force at so great a distance from India is objectionable. (2.) The Government of India have in contemplation certain arrangements for the political control of the Mekran Coast, without assuming the administration of any part of it.

DISTRESS IN THE GAYA DISTRICT.

MR. CAINE : I beg to ask the Under Secretary of State for India whether the Secretary of State has seen the work recently written by Mr. Grierson, of the Bengal Civil Service, entitled *Notes on the District of Gaya*, a district containing a population of 2,125,000, according to the Census of 1881, in which it is shown that cultivators of 12½ acres have an average income of only Rs.12.4 per head per annum for the members of their families, and that a labourer and his wife, though fully employed, can earn only Rs.41.12 per annum, which, for a family of four, is Rs.10.7 per head, or Rs.4.9 short of the Rs.15 which Mr. Grierson estimates is required for the bare necessities of life, not counting expenditure on religious or social ceremonies which are compulsory ; whether he is aware that in the district of Gaya all the persons of the labouring classes, and 10 per cent. of the cultivating and artisan classes, or 45 per cent. of the total population, are insufficiently clothed, or insufficiently fed, or both ; and whether the Secretary of State will recommend the Government of India to appoint a small expert Commission to inquire into, and report upon, the general condition of the small cultivators and labourers of the Gaya district, and will cause further inquiry to be made if similar distress

exists in other districts in the Lieutenant Governorship of Bengal ?

MR. GEORGE RUSSELL : The Secretary of State has not yet seen the work referred to by my hon. Friend, but he attaches great importance to any information bearing on the condition of the people of India, and will forward a copy of the question to the Government of India for their observations.

INTERMEDIATE EDUCATION RULES.

MR. JOHNSTON (Belfast, S.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland why the pamphlet containing the Intermediate Education Rules and Programme for next year was only issued on June 3 ; whether steps will be taken in future to secure that it be issued in April each year, according to the original practice of the Commissioners ; whether the subdivision of school classes, under the regulations of the Intermediate Education Commissioners, has been the subject of frequent remonstrances from teachers ; and why the Commissioners, who at first sought to avoid such sub-divisions, have, in spite of these repeated remonstrances, wholly abandoned this policy in their Programme for 1894 ?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne) : The Assistant Commissioners of Intermediate Education report that, as a matter of fact, the Rules of Examination and Programme for 1894 have been published this year nearly a fortnight earlier than last year. It is expected, however, that the pamphlet will be published in future at an earlier date. Remonstrances from some teachers have reached the Commissioners as to the sub-division of classes entailed by the introduction of the Preparatory grade. The Commissioners have not wholly abandoned the policy of making the Programme of the Preparatory grade consist of portions of the Programme of the Junior grade. They have adhered to it in cases where it was feasible and desirable.

PROMOTION OF ENGINEERS IN THE NAVY.

MR. TAYLOR (Norfolk, S.) : I beg to ask the Civil Lord of the Admiralty the reason for the unusual delay in promotion from the rank of engineer to fill

existing vacancies in the rank of chief engineer, which is now seriously affecting the seniority of engineer officers in the Navy?

THE SECRETARY TO THE ADMIRALTY (Sir U. KAY-SHUTTLEWORTH, Lancashire, Clitheroe): In consequence of certain questions having been under consideration, there has been some delay in filling vacancies on the chief engineer's list, but the seniority of the officers concerned will not be affected.

SIR HENRY LOCH'S MISSION.

SIR GEORGE BADEN-POWELL (Liverpool, Kirkdale): I beg to ask the Under Secretary of State for the Colonies whether Sir Henry Loch is empowered to negotiate for, or agree to, the cession of Swaziland to the South African Republic; and whether Her Majesty's Government have decided that they possess the power to give up all British rights over Swaziland, with the consequent responsibility of the British, to the Swazi nation, without obtaining the previous consent of Parliament?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Mr. S. BUXTON, Tower Hamlets, Poplar): It would be inexpedient at present to communicate to the House any part of the instructions which have been given to Sir Henry Loch in regard to Swaziland, and I cannot add anything in that respect to what I said in Committee of Supply on the 4th ultimo. In reply to the second part of the question, there is nothing in the present negotiations to take them out of the category of ordinary negotiations, or to require any other course of proceedings than that usually adopted.

THE STATIONERY OFFICE AND ENGLISH INVENTIONS.

SIR FREDERICK MILNER (Notts, Bassettlaw): I beg to ask the Secretary to the Treasury whether it is a fact that Her Majesty's Stationery Office has refused to supply to Government offices, when requisitioned for by them, the "Ceres Automatic" letter and card files, an English patented invention, and of English manufacture, for filing letters and papers, and for indexing, although the office supplies inferior systems of filing papers, of American invention and manufacture; and whether Her Majesty's

Stationery Office has a list of approved stationery articles; and, if so, how often such list is revised, and when it was last revised?

SIR J. T. HIBBERT: Such articles are not commonly supplied for the Public Service, nor could their supply be sanctioned except for very special cases. It appears that the "Ceres Automatic" letter and card file has been twice and a less expensive make once supplied, but I cannot say whether the latter article was of American manufacture. The Stationery Office keep a list of some of the ordinary articles of stationery kept in stock; but it does not include anything in the nature of letter and card files.

ST. GILES'S, CAMBERWELL, CEMETERY.

SIR FREDERICK MILNER: I beg to ask the Secretary of State for the Home Department if his intention has been called to a statement by Dr. W. T. Greene, of Peckham Rye, at the Church House, in which he asserted that it was the custom to bury in St. Giles's, Camberwell, Cemetery, from 30 to 40 bodies of poor persons in one grave, which was sometimes kept open from 20 to 40 days after some bodies had been buried therein; and whether such a practice is lawful; and, if not, what steps he proposes to take in the matter?

MR. ASQUITH: My attention has been called to the statement in question; inquiry has been made, and it appears that, owing to a great pressure of interments in consequence of the severe epidemic of influenza at the beginning of the year, the facts are as alleged; but the Burial Board have strengthened their staff, and made fresh regulations greatly to reduce the number interred in one grave, and to close each common grave on the seventh day. I have also under consideration the question of still further amending the regulations in force in the cemetery.

LUNACY ORDERS.

MR. BRYN ROBERTS (Carnarvonshire, Eifion): I beg to ask the Secretary of State for the Home Department whether he is aware that there are great complaints of the delay in obtaining lunacy orders; whether it is owing to the insufficient staff in the office; and

whether any steps will be taken to effect a remedy?

MR. ASQUITH: This question should be addressed to one of the Law Offices of the Crown.

THE PREVENTION AND DETECTION OF IRISH CRIME.

MR. ARNOLD-FORSTER (Belfast, W.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the same persons, who, during the period of Office of the late Government, were under police surveillance as being persons likely to incite to or commit crime, are still watched, and their movements reported upon, by the police in the Counties of Clare, Kerry, Cork, and Limerick?

MR. J. MORLEY: The hon. Member in his speech in this House on the 1st inst., on the subject of crime in Ireland, admitted that the police were working as energetically and faithfully under the present as under the late Government, and I myself stated on the same occasion that all the authorities concerned were taking every step that experience and responsibility make it advisable to take. This is the best answer I can give to the question of the hon. Member, and in the public interests I am not able to give any further information.

MR. SEXTON (Kerry, N.): Has the hon. Member for West Belfast supplied to the Government the names of the criminals of whose identity he claims to be aware?

MR. ARNOLD-FORSTER: If the right hon. Gentleman will do me the honour to ask me I shall be most happy to tell him.

MR. J. MORLEY: I will consider whether I shall regard the hon. Gentleman's information as better than that which I already possess.

CHILDREN'S OPIUM PILLS IN BOMBAY.

MR. SAMUEL SMITH: I beg to ask the Under Secretary of State for India whether he has yet ascertained the correctness of the statements that an official notice has been posted at Bombay to the effect that the right of selling children's opium pills had been given to the Bombay opium contractors, and that such pills could be bought at all the Government opium shops in Bombay; whether he is aware that such pills are largely used by

native women employed in cotton factories for the purpose of quieting their children; whether he is aware that the sale for a similar purpose in this country of "soothing syrups," containing preparations of opium, is universally reprehended by the medical profession, and that, under the British Pharmacy Act, such sales can only be effected by registered druggists, and that such syrups must be labelled "poison;" and whether the Secretary of State will give instructions that similar restrictions should be applied to the sale of children's opium pills in India, so that buyers may be warned of the serious danger to the health and even to the life of young children incurred by such pills being administered to them?

*MR. GEORGE RUSSELL: The practice of selling opium pills for children attracted the attention of the Bombay Government in 1891, and it was found that these pills were sold in some 300 licensed and unlicensed shops. The sale has now been limited to 11 licensed shops, under conditions which give the licence holder no material interest in the sales. Further inquiry is now being made, and the Secretary of State will consider what action to take when the promised Reports are received.

MR. J. E. ELLIS (Nottingham, Rushcliffe): Will the Reports be received before the last day of this month?

MR. GEORGE RUSSELL: That I cannot say. My hon. Friend shall see them as soon as they arrive.

LABOURERS' WAGES IN GOVERNMENT ESTABLISHMENTS.

SIR JOHN GORST (Cambridge University): I beg to ask the Secretary of State for War what progress Her Majesty's Government have made in giving effect to the Resolution of the House relating to the conditions of employment of workmen in the Public Service?

MR. JOHN BURNS (Battersea): Will the right hon. Gentleman, at the same time, say whether the Government have yet come to any conclusion regarding the wages of labourers in Government establishments?

*MR. CAMPBELL-BANNERMAN: The Government have carefully inquired into the facts connected with this subject, and particularly into the rates and

conditions of labour under the various Public Departments. Having considered these facts, they find that in certain departments under the Admiralty and the War Office the minimum rates of wages of labourers are such as to bring them within the terms of the declaration I made on the part of the Government, and to justify an increase. This will be determined in each department by those responsible in it, who will secure the necessary elasticity, and will have regard to the peculiar circumstances of each case.

SIR J. GORST: When will it be done?

MR. CAMPBELL-BANNERMAN: It will be commenced at once.

THE CASE OF JOSEPH WALKER.

MR. KEIR-HARDIE (West Ham, S.): I beg to ask the Secretary of State for the Home Department whether his attention has been called to a case tried before the Magistrates in the Derby Police Court, on Saturday 3rd June, in which a man named Joseph Walker was sentenced to pay a fine of £5 and costs, or suffer one month's imprisonment, for an alleged act of intimidation in connection with a strike; whether the person alleged to have been assaulted exonerated Walker from all blame; whether four independent witnesses, three of whom were non-unionists, swore that Walker had no connection with the alleged assault; and whether, in view of these circumstances, he will order the sentence of the Magistrates to be quashed?

MR. ASQUITH: My attention has been called to the case referred to by the hon. Member, and from the information I have received it does not appear that the complainant exonerated Walker from all blame; Walker took a prominent part in egging on the crowd, though he did not, it is true, actually put the complainant in the water. The defendant was represented by a solicitor; four witnesses gave evidence for the defence, three of whom stated they were non-union men, but the Magistrates placed greater faith in the evidence given by the five witnesses called for the prosecution. They thought that unless the defendant with others had followed the complainant as he left work, and appealed to the crowd to call him blackleg, he would have reached home without being molested.

Mr. Campbell-Bannerman

The Bench considered the case fully proved, and inflicted a penalty of £5 and costs, or one calendar month's imprisonment, which amount was paid, and no notice of appeal against the decision was given. Under these circumstances, I do not think it is a case in which I can interfere.

THE SOMBRERO REVOLVING LIGHT.

MR. GIBSON BOWLES (Lynn Regis): I beg to ask the President of the Board of Trade whether, since his attention has been called to the fact that the Admiralty List of Lights, Part VII., for 1893, states that the revolving light on Sombrero Island was reported irregular in 1892, and that the Inagua revolving light was reported irregular in 1890, he has, in view of the danger to shipping caused by irregularities in lights, taken any measures, and, if so, what measures, to remedy the irregularities in question, as well as any other irregularities or inadequacies in the lights under the control of his Department?

MR. MUNDELLA: As soon as the Sombrero light was reported defective, the necessary fittings for the repair of the lighting apparatus were ordered. These left England last April, and the irregularity in the revolution of the light is being rectified. The defect in the Inagua light can only have been of a temporary nature, for on each inspection of the Station since the stated irregularity, the Report has been satisfactory. Information to this effect has now been given to the Admiralty, who will doubtless correct the notice in the next edition of the Light List. As to the general efficiency of the lights under the Board of Trade, the Reports received after each periodical inspection enable me to say that they are in a state of efficiency, and are adequate for the purposes for which they were established.

THE UNION JACK.

MR. THEOBALD: I beg to ask the Secretary of State for the Home Department to take such steps as will permit anyone to hoist the National flag on any building or house in their occupation in the Dominions of Her Majesty, whether in England, Scotland, Ireland, and Wales, and to prevent any such act being illegal?

MR. ASQUITH : I am not aware of any legal impediment which would prevent any occupier of any building in England, Scotland, or Wales from hoisting thereon, whenever he feels so disposed, the National flag, or any other emblem of loyal and patriotic feeling. I am informed that in Ireland there is in force a statutory provision which prohibits the exhibition upon any licensed house of any flag, symbol, or decoration except the accustomed sign of the house. Her Majesty's Government do not propose to take any action in the matter.

MR. THEOBALD : As I am dissatisfied with the answer, I shall ask leave to move the Adjournment of the House in order to ascertain whether it is legal or illegal to prevent a person hoisting the National flag on his own house.

MR. T. M. HEALY (Louth, N.) : Hon. Members have it in their power to get rid of the difficulty by supporting my Bill to legalise the use of the Union Jack in these cases in Ireland.

BOYCOTTING IN SLIGO.

MR. SMITH-BARRY (Hunts, S.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that James Davey and Patrick Dawson, shopkeepers, and Martin Davey, hotelkeeper, of Ballymote; Matthew Leonard, of Doocastle; and J. T. M'Donagh, of Sooeey, in the County of Sligo, are rigorously boycotted; whether he is aware that at meetings of the National Federation held at Bunninadden, Keash, and Ballymote on 16th April, at Sooeey on 4th May, and Doocastle on 21st May, resolutions were passed denouncing these men as land-grabbers; that at meetings of the National Federation held at Sooeey on 16th April, and at Ballymote on 23rd and 30th May, several persons who had been required to attend apologised, and were pardoned, for having had dealings with these men; whether his attention has been drawn to a Nationalist demonstration held at Doocastle on 27th May, at which the hon. Member for North Leitrim denounced these men as land-grabbers, and called upon the people not to deal with them; and whether he will take steps to put a stop to the system of persecution to which the two Daveys, Dawson,

Leonard, and M'Donagh are being subjected?

MR. P. A. M'HUGH (Leitrim, N.) : May I ask whether the right hon. Gentleman is aware that at the meeting at Doocastle on May 27 I advised the people to abstain from crime and intimidation, and whether it is not a fact that a resolution embodying that advice was adopted unanimously by the meeting?

MR. J. MORLEY : My attention has been drawn to the cases referred to and to attempts made to have these men boycotted; but it is not correct to say they are rigorously boycotted. [*A laugh.*] Hon. Members laugh, but there is a clear distinction drawn by the police in cases of rigorous boycotting. Resolutions have been passed at the meetings specified censuring the individuals named; but with respect to the closing part of paragraph 2, I have no information on the subject, inasmuch as the meetings were private and indoor, to which the police had no access. I have seen a report of the meeting held at Doocastle on May 27, but no effect is believed to have followed. The police have been instructed carefully to watch the consequences of the meetings. In answer to the hon. Member below the Gangway opposite, I can only say that as far as I know the description given by the hon. Member of his speech is a correct description, and no evil effects so far have followed that meeting.

MR. P. A. M'HUGH : As I have been personally referred to, may I be permitted to ask the right hon. Gentleman if he has observed the answer to a question given by the right hon. Gentleman the Home Secretary on the 21st May to my hon. Friend the Member for North Cork, in which he stated that in his opinion the action of a Mr. Gray, in publicly threatening to boycott Messrs. Whitbread and Co., and inviting others to join him in doing so, did not constitute any breach of the law. Is an act considered lawful in England to be considered unlawful in Ireland?

MR. T. W. RUSSELL : I wish to ask whether of late there has not been a considerable increase of intimidating proceedings like those referred to in the question on the Paper, and whether the Chief Secretary can devise means for the protection of the persons who are the objects of such proceedings?

MR. J. MORLEY : The police have done, are doing, and will do all they can to prevent any evil consequences from following on proceedings of this kind. I cannot answer the first part of the question without notice as I must refer to the figures. In reply to the hon. Member for North Leitrim, I was not aware of the answer of my right hon. Friend to which he refers.

MR. MACARTNEY (Antrim, S.) : The right hon. Gentleman says that no evil effects have followed the Doo-castle meeting. Have there been any good results?

MR. SMITH-BARRY : I desire to ask whether, when the hon. Member for North Leitrim, at the meeting at Doo-castle, appealed to certain men, whom he named, to re-consider their position and denounced landgrabbers, he was not indirectly, if not directly, inciting to attacks upon the men whom he named. I also wish to ask whether the resolutions passed by the branches of the National Federation, to which I have drawn attention, are not duly reported in different issues of *The Sligo Champion*, of which paper I believe the hon. Member for North Leitrim is proprietor, if not also editor?

MR. T. M. HEALY : Is it not the case that after a recent meeting in Belfast, which was attended by the Leader of the Opposition, 20 Catholic public-houses were looted, and 2,000 Catholics deprived of their employment. I also ask whether the attention of the Chief Secretary has been drawn to the speech of the Marquess of Salisbury, in which he advised the people to beat down the police; and whether there is to be one law for Tories and another for Nationalists?

MR. J. MORLEY : As long as I am responsible for the government of Ireland the law for Tories and Nationalists will, I hope, be the same. In answer to the hon. Member opposite, I have to say that I have not got accurately in mind the exact words used by the hon. Member for North Leitrim, nor do I know whether the resolutions were printed in *The Sligo Champion*; but my close attention is being given to the whole subject of these meetings.

MR. SEXTON : It is admitted by the Chief Secretary that the hon. Member for North Leitrim counselled the people

against violence and intimidation. Is it to be understood that an Irish Member is debarred by law from commenting on the action of individuals when he considers that their action is against the public interest?

MR. J. MORLEY : My hon. Friend wishes me to give a legal opinion, and I am hardly competent to do so. Still, I do not think that the law is as he suggests.

STAFF COLLEGE EXAMINATIONS.

MR. RENTOUL (Down, E.) : I beg to ask the Secretary of State for War whether he is aware that at the recent Staff College examination there was a striking change, of which no notice had been given, in the nature and scope of the mathematical examination; and whether steps will be taken to prevent any of the officers who were candidates at the examination being disqualified in consequence of this unusual procedure?

***MR. CAMPBELL-BANNERMAN :** There is a new examiner; but no change was intended in the nature and scope of the examination. Possibly the new examiner may have set some harder questions than his predecessor did; but they are within the same range of subject, and as the examination is competitive the difficulty of the questions is not a disadvantage.

THE CONVICT, JAMES MILLS.

MR. W. WHITELOW : I beg to ask the Secretary of State for the Home Department whether James Mills, a convict, whose case he has recently had under consideration, will be released in the ordinary course of events, if his conduct remains good?

MR. ASQUITH : The case of James Mills will, under the Home Office Rules, come under review when he has served 20 years, in 1898. All the circumstances of the case will then be carefully weighed.

THE AMERICAN MAILS.

MR. MACARTNEY : I beg to ask the Postmaster General at what hour on Saturday last the *Paris* and *Campania* left New York for Southampton and Queenstown respectively; and whether he has any information as to which vessel is carrying the mails for the United Kingdom?

THE POSTMASTER GENERAL
MR. A. MORLEY, Nottingham, E.): The *Paris* and *Campania*, according to the telegrams in *The Times*, both left New York at 10 a.m. on the 3rd of June. In the Schedule issued by the United States Post Office, the *Paris* is advertised to carry the mails for this country, &c., and the *Campania* specially addressed correspondence.

FREE SCHOOL ACCOMMODATION AT PIMLICO.

MR. JAMES ROWLANDS (Finsbury, E.): I beg to ask the Vice President of the Committee of Council on Education whether he has yet received from the London School Board a Report of the free school accommodation in Pimlico, which he asked for in March last on receiving a Memorial from 600 persons in Pimlico asking for free school places?

MR. ACLAND: This Petition was transmitted to the School Board for London on the 11th of March. Notwithstanding pressing letters from the Department on the 18th of April and the 15th of May, the Board have hitherto failed to supply the information asked for with regard to it. I have therefore been obliged to recall the Petition from the Board's hands in order that Her Majesty's Inspector may make the necessary investigation himself; and the Board have been informed that this course will be adopted in future with regard to similar representations. I am bound to express my regret that the London School Board has treated the matter in this way.

PLEURO-PNEUMONIA AT HENDON.

MAJOR RASCH (Essex, S.E.): I beg to ask the President of the Board of Agriculture whether he can give any further information relative to the outbreak of pleuro-pneumonia at Hendon?

MR. H. GARDNER: We thought it desirable to slaughter certain cattle belonging to the same owner, but stationed on other premises in his occupation, and amongst these another diseased animal has been found. Inquiries as to the history of the diseased animals are still proceeding, but no information has yet been obtained as to the original source of infection.

DUTIES OF THE ROYAL IRISH CONSTABULARY.

MR. MACARTNEY: On behalf of the hon. Member for South Londonderry, I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland is he willing to lay upon the Table of the House a Memorandum showing the duties gratuitously performed by the Royal Irish Constabulary in addition to their ordinary police work, and at what dates such duties were respectively imposed on the Force?

MR. J. MORLEY: The Inspector General reports that all the duties which the Royal Irish Constabulary perform are duties imposed upon them by Acts of Parliament, or especially by direction of Government. It is not clear to him therefore, what are the duties referred to as being performed gratuitously; but if the hon. and learned Member will specify the particular duties which he may have in his mind, inquiry will be made as to the authority for employing the Constabulary to perform them.

MR. MACARTNEY: My hon. Friend's question, I think, refers to duties outside police work.

MR. J. MORLEY: They are all imposed by Act of Parliament.

HASHEESH.

MR. SAMUEL SMITH: I beg to ask the Under Secretary of State for Foreign Affairs whether it is the case that the Egyptian Government is preparing to legalise the sale of hasheesh; whether its sale is prohibited in Turkey and other Asiatic countries; and whether Her Majesty's Government will use its influence with the Egyptian Government to maintain its present policy of prohibition?

SIR E. GREY: Its sale is prohibited in Turkey, but I cannot speak as to any other Asiatic country. We have no information to the effect that the Egyptian Government intends to change its present policy.

MILLBANK PRISON SITE.

MR. BURDETT-COUTTS (Westminster): I beg to ask the First Commissioner of Works whether it is the fact, as stated to a deputation by a member of the London County Council, and as reported in the newspapers, that

Her Majesty's Government have offered the surplus portion of the Millbank Prison site to the County Council, exclusively for the erection of working-class dwellings, or in any other manner intended to preclude the formation of a public recreation ground upon such surplus?

THE FIRST COMMISSIONER OF WORKS (Mr. SHAW LEFEVRE, Bradford, Central): It is quite true that the Government have offered the surplus land at Millbank to the London County Council for the erection of artisans' dwellings. They considered they were under a virtual obligation to do so by the 3rd clause of the Housing of the Working Classes Act of 1885. I may add that the Government have received strong representations as to the necessity for increased accommodation for artisans in Westminster.

MR. BURDETT-COUTTS: Then am I to understand it is not competent for the London County Council to devote the site to a recreation ground if strong representations are made to them with that object?

MR. SHAW LEFEVRE: The site is only offered on the condition I have named.

INDIAN CIVIL SERVICE EXAMINATIONS.

MR. SEYMOUR KEAY (Elgin and Nairn): I beg to ask the First Lord of the Treasury whether he can now state what steps the Government intend to take to carry into effect the Resolution of the House as to the holding of simultaneous Civil Service Examinations in India and England?

LORD RANDOLPH CHURCHILL (Paddington, S.): I beg to ask the First Lord of the Treasury whether he can state the decision which the Government have arrived at on the question of the Resolution passed by the House of Commons on the 2nd June, in respect of the examination of Natives for the Civil Service of India?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): This question is a very important one, and has received the careful consideration of the Government. They have determined that the Resolution of the House should be referred to the Government of India without delay, and

that there should be a prompt and careful examination of the subject by that Government, who are instructed to say in what mode in their opinion, and under what conditions and limitations, the Resolution could be carried into effect.

MR. A. J. BALFOUR (Manchester, E.): With reference to the message to the Government of India which the right hon. Gentleman has just sketched, I wish to ask him whether the Government, in the course of this Despatch, mean to imply that, in some shape or other, the Government of India are obliged to carry out this Resolution? I rather hope that in sending the Resolution of the House the Government will not lay down any principle.

MR. W. E. GLADSTONE: The right hon. Gentleman must rely on the words which I have just read to him. As regards the interpretation of those words, certainly, in my opinion, there is nothing whatever to prevent the Government of India from making any observations of whatever kind they may think fit on the Resolution.

MR. J. CHAMBERLAIN (Birmingham, W.): As my right hon. Friend has quoted the Despatch, will he have any objection to laying it on the Table?

MR. W. E. GLADSTONE: I have not quoted any Despatch, and no Despatch has yet been drawn. I have merely stated the terms in which the Government intend to draw the Despatch.

THE HOME RULE BILL.

MR. CARVELL WILLIAMS (Notts, Mansfield): I beg to ask the First Lord of the Treasury whether, having regard to the time occupied in Debate on Clauses 1 and 2 of the Government of Ireland Bill, after the several Amendments thereon had been disposed of, he will consider the expediency of moving a Resolution that, in the case of the remaining clauses, after Amendments have been dealt with, the Question "That this Clause stand part of the Bill," shall be put without Debate?

MR. W. E. GLADSTONE: I have frequently been obliged to confess great sympathy with questions of this kind, which are put in the interests of expediting the Business of the House. But I have intimated on more than one occasion that the Government do not consider that the time has arrived when

it is an absolute necessity for us to adopt a positive Resolution on this subject. With regard to the particular proposal of my hon. Friend, what I would observe is this—that, whatever opinion we may entertain of the general course of proceedings in Committee, if a proposal of this kind were made it would have to be justified on the ground that the power of taking the opinion of the House on the clauses of the Bill, after they had been amended, has been abused. This is only the 3rd clause of the Bill. The 1st clause of the Bill, I am quite aware, justified the opponents of the Bill in taking a Division upon the Question whether it should stand part of the Bill, because, as a point of fact, it was a challenge to them on the entire Bill. The 2nd clause, perhaps, may be held, though not so clearly, to stand in the same category. With respect to the other clauses, which are of a different character, I hope that it will not be thought necessary as a mere matter of form to take the opinion of the House upon the clause as a whole, unless principles are involved in the clause which are deemed to be of great importance, or unless the question upon the clause raises fairly the issue which it professes to raise.

MR. MACFARLANE (Argyll) : I beg to ask whether a precedent was not set on the 10th of June, 1887, when the late Mr. Smith moved a Resolution asking the House to come to a decision on all the Amendments to all the clauses of the Coercion Act on the 17th of that month, and whether the right hon. Gentleman recollects the words which Mr. Smith used on that occasion?

"We have arrived at the fourth month of the Session, and we have practically done nothing except to consider the measure before the House. We have arrived now at the 35th day of the consideration of this measure. What is the alternative open to Her Majesty's Government? . . . That the majority of this House and, as we believe, the majority of the country, must yield their sense of obligation, their sense of responsibility, their sense of duty to the country, to the obstruction of the minority of this House."

MR. W. E. GLADSTONE : I am aware of that precedent, and it would be impossible for anyone who was in the House in 1887, or who took any interest in public proceedings, to ever forget an occasion so historic. It is of great importance, but there is one obvious

amendment which should be made in the language in applying it to the present case—namely, that we are in the fifth month instead of the fourth month of this Parliament. But the declaration I have made with reference to the existing state of Public Business at the present moment would prevent me from founding myself on that language in any reply I might make.

MR. BARTLEY (Islington, N.) : Is it not the fact that, although the discussion on Clause 3 has been somewhat long, no less than nine Amendments have already been adopted by the Government on that very clause?

MR. T. W. RUSSELL : Does the Prime Minister see no difference between a Bill creating a new Constitution for a country and a Crimes Act?

MR. W. E. GLADSTONE : I do not think the hon. Member ought to have addressed to me a challenging question of that kind. In my opinion there is no conceivable class of Bill that requires such strict, such jealous examination at every point of its proceedings as a Bill for diminishing the liberties of the subject.

MR. SEXTON : Whatever may be the subject of the Bill, does not the right hon. Gentleman consider that the majority of the House have the right to take adequate measures to secure that the Bill should be passed in the course of an ordinary Session of Parliament?

MR. W. E. GLADSTONE : That is a most natural question to raise at the present moment. I can set no such limits upon the powers and rights of the majority of this House as would imply a negative answer. The majority must in all circumstances be guided and governed by the fulfilment of their pledges to their constituents.

MR. W. REDMOND (Clare, E.) : I beg—

***MR. SPEAKER** : Order, order ! I think this discussion should not proceed further. Arguments from analogy are quite out of place.

MR. EVERETT (Suffolk, Woodbridge) : I beg to ask the First Lord of the Treasury whether he will take such steps for quickening the passage of the Government of Ireland Bill through the House as will enable the majority of the Members of the House to fulfil the wishes of their constituents by passing it

and other measures during the present year?

MR. W. E. GLADSTONE: I have practically answered this question; but I may venture to observe to my hon. Friend that we adhere entirely to the strong opinion we have expressed that the pressure of the Irish Question does not absolve us from our obligations to the country in respect of the other great measures in which the interests of Great Britain are concerned.

THE ROYAL STANDARD.

MR. THEOBALD: I beg to ask the First Lord of the Treasury if it would not be expedient, considering that this House is desirous of maintaining the supremacy of the Crown in Ireland, to re-substitute the three Crowns on the Irish quarter of the Royal Standard in place of the harp, the harp having taken the place of the three Crowns in the reign of Henry VIII.?

MR. W. E. GLADSTONE: I have not fully informed myself as to the facts raised by this question, and I shall be obliged if the hon. Member will postpone it.

THE WORKING MEN'S DWELLINGS BILL.

MR. WRIGHTSON (Stockton-on-Tees): I beg to ask the First Lord of the Treasury, with reference to the Working Men's Dwellings Bill, which has passed the Second Reading, and is the first Order on Wednesday, 14th instant, whether, considering that the principle has been admitted on both sides of the House and that the working classes of England are deeply interested in getting the measure passed into law, he will allow the Bill to go into Committee on the Wednesday allotted to it or on some subsequent day at such an hour as will ensure proper discussion?

MR. W. E. GLADSTONE: We made one single exception to the rule of a continuous prosecution of the Irish Government Bill before we entered upon the deliberation of it; and to the pledge we then gave we adhere. I am sorry to say that I cannot now make any addition to that pledge.

Mr. Everett

THE WORKING OF THE AGRICULTURAL HOLDINGS ACT.

MAJOR RASCH: I beg to ask the First Lord of the Treasury whether, taking into consideration the importance of the Motion standing in the name of the hon. Member for Harborough tomorrow, he will allow time for its adequate discussion?

MR. W. E. GLADSTONE: I am not aware that it is either necessary or desirable for me to make any proposals to the House on this subject. I have no doubt the question may be adequately discussed within the limits of the ordinary sitting.

SIR H. VIVIAN AND THE PEERAGE.

MR. THEOBALD: I desire to ask you, Mr. Speaker, whether it is in accordance with recognised Parliamentary usage that any Member of the House should continue to vote in the House after the authoritative announcement, made in the Press, that Her Majesty has conferred upon him the dignity of a Peerage?

***MR. SPEAKER:** An answer to this question has already been given by the First Lord of the Treasury, and I can only add that the mere announcement in the Press, to which the hon. Member has referred, has nothing whatever to do with the qualification of an hon. Member to sit and vote in this House. I say nothing as to what is the custom or etiquette; but the law which governs the whole proceeding is this. At what time the letters-patent have passed the Great Seal, that is the final termination of a Member's existence as a Member of this House. On the day itself, or as soon after as it issues, *The Gazette* states the fact that the letters-patent have passed the Great Seal, and that is evidence of the fact that the hon. Member has ceased to be a Member of this House.

THE TWELVE O'CLOCK RULE.

MR. W. REDMOND: I beg to ask the right hon. Gentleman the Prime Minister a question as to the state of Public Business. Will the right hon. Gentleman, considering the backward state of Public Business, move to suspend the Twelve O'clock Rule? [*Cries of "Oh!"*]

MR. W. E. GLADSTONE : That question was put to me this morning, and I said that if we were to have a general suspension of the Twelve O'clock Rule, considering the pressure that is now brought to bear on hon. Members, it might be a necessary portion of the measure to provide an additional supply of undertakers for hon. Members who might be expected to fall victims.

NATIONAL FLAGS IN IRELAND.

MR. THEOBALD asked Mr. Speaker if it would be in Order to move the Adjournment of the House in order to call attention to the question of national flags in Ireland ?

MR. T. M. HEALY : I have a Bill on the subject, Mr. Speaker.

MR. SPEAKER : I think a Motion of that sort would be anticipating the Bill of the hon. and learned Member.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 7th June.*]

[SIXTEENTH NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 3 (Exceptions from powers of Irish Legislature.)

*MR. BARTLEY (Islington, N.) said, he wished to move, in line 7, to leave out all after "trade," in order to insert "bounties to promote Irish industries." The Prime Minister, he thought, would acknowledge that this was a question of very great importance in connection with the Bill. It was impossible to conceive that it could be ignored. They had cleared away the question of Protection, because, as the Bill stood, the Irish Legislature would not be allowed to interfere with trade with any place out of Ireland. He supposed they might take it for granted that it was the intention of the Government that all idea of Protection from an outside source was to be prohibited by the Bill. But the question of bounties would be, for all practical purposes, the same as Protection in its influence, especially on Great Britain. It was clear, from the peculiar wording

of the clause, that the question of bounties was not excluded. The question of bounties to promote Irish industries would not be one affecting trade outside Ireland ; but it would be one affecting trade in Ireland, and, therefore, would not be excluded from the scope of the power of the Irish Legislature. He took it that the Bill contemplated giving the Irish Legislature power to grant Government bounties for the promotion of Irish industries if they thought fit to do so. They might go a step farther in this respect, and claim that, in suggesting the possibility of the Irish Parliament doing this, they were not imputing to that Body any sinister or wicked intention. One might fairly conclude that even if the Irish Legislature did think proper to do this they would be acting on what they considered to be a high patriotic motive. Therefore, he thought he should not in this instance, as he had done in the past, come under the censure of the Prime Minister as imputing wrong motives to the Irish Legislature. They must, he thought, argue this matter strictly on the ground that he had sketched out—namely, that the Irish Parliament, under the framing of the Bill, was to have the power of granting bounties, and that they could adopt that policy with the fair and proper idea of fulfilling their duty to their country and their constituents. As a Free Trader, he believed that if an Irish Legislature did adopt a system of bounties it would be making a mistake. But they should recognise the fact that there was another side to the question, and that persons of *bonâ fide* opinions and intentions might pass a measure to create bounties, really thinking that they were doing what was good for their country. The Committee was not ignorant of the statements Irish Nationalists had made on the subject of bounties. It might be taken for granted that a great number of Irish Members, not only Parnellites and Anti-Parnellites, but many others, had very often expressed the opinion that it would be for the benefit of Ireland if bounties were adopted. Mr. Parnell, as they knew, held a strong opinion to that effect, and Mr. Parnell's opinions would continue for years to come to be an important factor in forming public opinion in Ireland. Mr.

Parnell had said that the only solution of the Irish Question which would be satisfactory to the Irish people would be to allow the Irish Legislature to protect its own industries, either by bounties or in some other way. It was suggested that Mr. Parnell subsequently withdrew that statement, though he (Mr. Bartley) doubted the fact. But, even if he did, the fact remained that a large section of the Irish people still held the opinion that bounties would be beneficial. Well, if bounties were granted in Ireland the effect would be not only to protect Irish industries, but to protect them against the interests of the United Kingdom. They who were English and Scotch and Welsh Members must emphatically protest in every way against bounties being introduced which would tend to injure the trade of Great Britain. He did not think any Irish Member below the Gangway would get up and candidly say that he did not conceive it possible, or even probable, that the Irish Legislature would adopt a system of bounties. What was being done in Ireland at the present moment? Why, the Dublin Corporation, in purchasing paving sets for Dublin, preferred to pay for Irish granite 24s. a ton, when they could have got as good—some people said better—granite from Wales—[*Cries of "No!"*]¹—for 19s. a ton.

Mr. HUNTER rose to Order. He wished to know whether contracts made by the Dublin Corporation were relevant to the Amendment on the Paper?

THE CHAIRMAN: If the hon. Member is going into detail he will be out of Order. I cannot say that he is out of Order in giving an illustration.

*Mr. BARTLEY held that his illustration was a particularly apt one. He was showing that, even under the existing law, the Dublin people preferred to pay a larger price for Irish goods than they would have had to pay for British goods. [*Cries of "No!"*] He was not blaming the Dublin Corporation, or suggesting that it showed a tendency to corruption. All over Ireland, on Boards of Guardians and elsewhere, it was sought to procure an advantage for Irish goods over the goods of Great Britain; and if that was the case now, surely it would be infinitely more so when Ireland had this Legislature, and when it would have been put into express words that Ireland

should have the power of altering her trade relations, and, by implication, that she should have the power of granting bounties as against English goods. To quote precedents, practically all the Colonies took the view that it was to their advantage to grant bounties, or to adopt other means of fostering and promoting and increasing their own manufactures. He thought the Colonies were mistaken in their policy. Still, the fact remained that they honestly believed they were doing good to themselves by adopting these measures, and when the Irish people had a Legislature they would hold the same belief. In America, again, the fiscal system was based on Protection. It was urged that in the past England had adopted a protective policy against Ireland, and that England had done all she could to destroy Irish industries. Well, no one could regret that more than the Unionist Members did at present. They were all agreed that the policy of this country years ago was wrong in every sense, and most unjustifiable; but the fact that England had been wrong in the past in no way excused the Committee in passing a measure which would enable the Irish to do the same thing. Retaliation could not be justified. Many useful comparisons might be made between this Bill and the Bill of 1886, which would tend to show the recklessness and growing callousness of the Government concerning the welfare of the United Kingdom as opposed to Ireland. The Bill of 1886 met the difficulty to which he was now drawing attention. It proposed that the Irish Legislature should in no way interfere with trade in the broadest and widest sense. The laws concerning trade in Ireland were to be Imperial laws. Therefore, in 1886 the Irish Legislature was to be prohibited from making laws concerning bounties, whereas there was no such limitation in the present Bill, the Irish Legislature being entitled to grant bounties if it thought proper to do so. They might fairly ask why had this important and vital change been made—why had the Government changed front so completely since 1886 on this most important point? He could not for a moment think that it was accidental. It was clear that the change had been made as a sort of compromise, judging from the remarks made by the Prime Minister

yesterday. There had evidently been a sort of bargain entered into——

MR. W. E. GLADSTONE: Will the hon. Member give the reference to the Bill of 1886?

*MR. BARTLEY: Yes; Clause 3, Sub-section 9. The word "trade" was used without qualification coming before "navigation;" but in the present Bill the words were "trade with any place out of Ireland." The word "trade," pure and simple, of course, included bounties; but the words "trade with any place out of Ireland" would not cover bounties. If the right hon. Gentleman the Prime Minister said that he meant those words to include bounties he would accept the Amendment, and there would be no occasion for him (Mr. Bartley) to make any further observations. But it was clear, from the remarks made by the right hon. Gentleman yesterday, that he considered the people of Ireland had, in accepting the present clause, given up a great deal. The right hon. Gentleman had stated that the Irish people, by accepting the conditions laid down in the Bill, had given up what they might fairly and legitimately have claimed—namely, the right to legislate on all subjects in connection with trade. The right hon. Gentleman, presumably, had inserted these words, "trade with any place out of Ireland," as a sort of compromise to satisfy the Irish people. The argument would probably be used by some that, however willing the Irish people might be to give bounties, they would have no funds for the purpose. It had, in fact, been said more than once that the amount of funds at their disposal would not enable them to do this. That was altogether a mistake. They would be able to impose taxes to any amount, except as regarded Customs, Excise, and Postage. They might have a graduated Income Tax, and 1d. under Schedule D on incomes exceeding £500 a year would bring in £11,000. One shilling put on incomes of £1,000 a year under that Schedule alone would realise nearly £100,000 a year, which would be a considerable sum to grant in the shape of bounties. In addition to this, the Irish Legislature would be at liberty to impose taxes on landlords, or in any other way they thought proper; therefore it could not be said that they had no means of paying these bounties. They could bleed

the richer parts of Ulster, and they could use the money they would so raise to encourage and promote the trades of other parts of Ireland. He would go further, and say that they might do this, in the *bonâ fide* opinion of many persons, with a fair and reasonable amount of equity and justice. Within certain moderate rules, no doubt, the richer parts of a country were bound to assist in developing and improving the richer part; but the danger was that it might be done to an excessive extent, and this Bill would be a great temptation to the Irish people, because it would enable them to raise taxes in the loyal parts of Ireland to encourage and assist people who they (the Unionists) believed to be the reverse of loyal. But that was not all. In addition to the power of taxation the Irish people would receive £500,000 a year from this country—a payment which, so far as they could see, was going to be made in perpetuity. The working classes of the United Kingdom were going to be taxed, therefore, for the benefit of Ireland, and the money when paid over would be granted in the form of bounties to Irish manufacturers to destroy the trades of the working people in Great Britain. [Laughter.] There was no doubt the money would be used in that way. It was all very well for hon. Gentlemen to laugh, but he conceived the logic of his statement was absolute. If we were going to pay £500,000 a year to Ireland (as we were) and Ireland was going to grant bounties to promote their industries, Ireland was going to do it with British money. There was an old saying, "Thou shalt not seethe a kid in its mother's milk;" but here the Government were going to seethe a mother in her own milk. It seemed to him strange that at the end of the 19th century they should have come to this—that Conservative Members should have to be found pressing what was once called the Liberal Party to do nothing to injure Free Trade. In the old days the Liberal Party would have repudiated the idea of doing anything to encourage bounties; but here they were passing a Bill which would not only give Ireland power, but absolutely encourage her, to foster her industries by means of bounties. This was a matter which concerned Great Britain very keenly. He was not going to dwell on

the effect of these bounties in Ireland—Members from Ireland would be able to form a better idea of that matter than he possibly could. He believed, however, they would be used largely to interfere with the prosperity of Ulster. He could conceive them being used in such a way as to hamper and injure the prosperous parts of Ulster to the advantage of the other parts of Ireland. It might be urged on the other side that that might be a fair and legitimate work for the Irish Legislature; but the main point for them to consider was the effect of these bounties on British trade. Without doubt they would be used against us. There would be an effort made in every possible direction to foster the different industries of Ireland. In such English districts as that he represented—a district 11·3 miles square, with a population of 100,000—where work was scarce and competition was becoming keener and keener every year the effect of these bounties was certain to be felt. They were told that this Home Rule Bill merely meant that they were going to give Ireland the power to regulate its own affairs, but it now turned out that it would enable Ireland to foster industries against us, and to minimise still further the trade which our people now enjoyed. If hon. Members would read the recent speeches of the Lord Mayor of Dublin and others, they would see that the Irish people meant to foster all sorts of Irish industries. Agriculture in this country was bad enough at present; but if bounties were to be put on Irish butter, bacon, pork, horses, and so on, our condition would be infinitely worse, and, further, if we in England were to find the money to pay these bounties we should simply be paying for the rope that was to hang ourselves. In the United Kingdom it would not be tolerated for a moment that one part of the country should be able to grant bounties while the other should not. He could not do better, he thought, than read a few words the Prime Minister had made use of yesterday on this very subject. He said—

"That main consideration was this: that the United Kingdom, from geographical circumstances as well as from circumstances which were social and moral, constituted one great and vast trade circle. If they departed from the principle of uniformity in trade matters, they might, perhaps, satisfy to a greater extent

Mr. Bartley

the abstract idea of the right of local legislation; but by satisfying that abstract idea they might inflict an immense practical injury. It was necessary, in the interests of Ireland, herself, that this uniformity of Commercial Law should prevail throughout these Islands. His right hon. Friend had not noticed this all-important question—how the producers of this country, the men who regulated and carried on the distribution of the products of its enormous, its immeasurable industries, would be affected by the introduction of different Commercial Laws within the limits of the United Kingdom."

That seemed to him (Mr. Bartley) as strong an argument as he could possibly use. The question he had ventured to raise was purely and simply whether the present Government really did or did not intend to allow Ireland to have bounties? If the Government did not intend Ireland to have the power of giving bounties to promote its industries against those of England let them say so distinctly, and let them adopt some such words as those he proposed. But if they did intend to give the power to Ireland let it be clearly stated, so that the public would know what was about to be done. He was sure no Irish Member would gainsay anything he had said as to the desire of Ireland for bounties. He did not hear any dissent. As an English Member he was bound to see that the industries of his own particular branch of the United Kingdom were not interfered with by this system of bounties; and he thought they had a right to demand that the Government should put into the Bill such words as would make it absolutely certain that no bounties could be granted.

Amendment proposed,

In page 2, line 7, to leave out the words "with any place out of Ireland," in order to insert the words "bounties to promote Irish industries."—(*Mr. Bartley.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. W. E. GLADSTONE: The hon. Gentleman who has just sat down asks for a distinct and explicit answer, in the shape of "yes" or "no," to his proposition. Well, I have been for some time panting for the opportunity to give the hon. Member a plain answer, but have not been able to do so owing to the length of the hon. Member's speech. There were some portions of the hon. Member's speech which I need not notice, the great case of the paving

stones in Dublin being one of them, because I am not aware that the Amendment can have the smallest effect upon paving stones ; but I infer that the hon. Member has no sympathy with the movement constantly made, and sometimes decided in this House, to compel Public Departments always to accept English tenders against Irish or foreign tenders. The hon. Member can have no sympathy with that, and yet he attacks the Dublin Corporation for, as he says, doing that very thing.

MR. BARTLEY : I did not attack the Dublin Corporation. I said there was a great deal to be said for the course they had taken.

MR. W. E. GLADSTONE : The hon. Member did not say a great deal for that course. He appeared to me to condemn the Dublin Corporation. ["No !"] However, as the point is not material I will not waste time on it. The question of external trade is absolutely excluded from the purview of the present Bill. I quite agree that the hon. Member did not impute anything strange or monstrous in supposing that Irish Members would possibly develop protective tendencies if the opening were afforded ; but I cannot agree with him when he goes on and says the certain effect of the passing of this Bill, if bounties are allowed, will be that the system of bounties will be used, not merely to promote Irish industries, but to damage English industries. In that suggestion the hon. Gentleman imputes to the Irish Legislature something which is in its nature dishonest and immoral. If the Irish Parliament should contemplate a system of laws with the deliberate intention of putting down the trade and industry of a portion of the United Kingdom, I must say it would go far to prove that they were unworthy of these powers. In the Bill of 1886 we had the intention of reserving trade, though I must admit that that intention was insufficiently expressed. But that Bill was prepared hurriedly—after the accession to Office of the new Government—more with a view of obtaining the judgment of Parliament on the principle of Local Government for Ireland than of securing approval of details. We have now had time to re-consider these matters, and we have dealt with greater accuracy with many points which were contained in the Bill of 1886. The Government

cannot adopt the Amendment, because we are satisfied that in this Bill we have excluded the possibility of allowing bounties, inasmuch as we have withdrawn from the cognisance of the Irish Parliament all laws affecting trade with any place out of Ireland. Bounties, as is well known, are grants made upon an exported commodity. Under this Bill Ireland will not have the power to legislate in regard to external trade ; and, not having the power to legislate, she cannot, by any possibility, pay a bounty. Do the supporters of the Amendment wish to go further, and say that Ireland should not have the power to give pecuniary encouragement, direct or indirect, to this or that particular trade within the limits of Ireland ? That is the intention of the right hon. Gentleman (Baron H. de Worms), who has had a good deal of experience in negotiations which are pretty fresh in our recollection with regard to International trade. What, then, do they mean to do with the Land Act of 1891 ? Is the right hon. Gentleman cognisant of its provisions, because, under that Act, a Body was constituted which was invested by direct authority of Parliament with the power of aiding and developing agriculture, forestry, the breeding of live stock and poultry, weaving, spinning, fishing—and a number of details are appended to the word giving it the largest application ; to make sure that it includes fishing gear and other necessary matters—and this by money provided from Irish funds. These are premiums in the largest sense of the word, and they were established by the authority of the Imperial Parliament, not under the mischievous and revolutionary legislation of the Liberal Party, but by the safe, prudent, wise, and firm Conservative Government under which Ireland had the happiness to live until the month of July last. I have no great fondness for such provisions ; but if I were asked whether Ireland had to be entirely free to do for herself what the Imperial Parliament had thought proper to do for her, I do not hesitate for a moment to accept that proposition. I feel that, even upon general grounds, we could not withhold these powers from the Irish Legislature, when the Imperial Legislature has set the example in a clear, unequivocal, and undeniable manner. The allocation of

money under the Act to which I have referred is going on, and in deference to the spirit and intention of the law the Chief Secretary for Ireland has thought it his duty to concur in these operations, and is working as honestly and as well as he can this system of premiums. As regards the question of external trade, the Bill as it stands, beyond all doubt, prevents any tampering with the subject by the Irish Legislature. Consequently, while the Government believe that as to the one subject the Bill is absolutely effective in its prohibition, we are not aware, as to the other, that anyone is disposed to maintain that the conditions and circumstances of Irish industry ought to be managed from Westminster instead of from Dublin. I am inclined to hope, if that be so, that there is no difference of opinion between the two sides of the House, and that, therefore, the discussion may come, if not to an immediate, to an early close.

MR. A. J. BALFOUR: There are some points in the speech of the hon. Member for North Islington to which I shall not refer. He has wisely called attention to the fact that whereas in 1886 the Prime Minister desired to exclude bounties, he has so altered the wording of the present Bill as not to carry out that object. The right hon. Gentleman who, is, after all, the greatest authority in this House upon the Bill of 1886, tells us that, however, the words might be interpreted, the intention of the Government was, as now, merely to deal with the external trade of Ireland. I will, therefore, not accuse the right hon. Gentleman of any change of front or inconsistency between the attitude he now adopts and the attitude he then adopted. What is the right hon. Gentleman's attitude now? He said he was determined to prevent bounties; but then it appears that by bounties he means simply a payment when goods are exported from Ireland. The right hon. Gentleman drew a distinction between a bounty and a premium. He said we have at this moment a system of premiums upon home production given under the Act of 1891, through the operation of the Congested Districts Board, who have the right to spend certain Irish funds, for the promotion, among other things, of fishing. But the fishermen so assisted compete with the

English fishermen, and 99-100ths, at all events, of the mackerel and other fish caught by them are not for Irish but for English consumption. Therefore, by the right hon. Gentleman's own definition of the words, it would not be possible for Gentlemen below the Gangway sitting in an Irish Legislature to touch the provisions of the Act of 1891. We have gone further by that Act, and out of Imperial money have constructed light railways in the congested districts for the purpose of conveying Irish products to the English markets. I will ask this question. Under the Bill, without this Amendment, would not the Irish Legislature have the right, by means of a premium or of a bounty upon some product manufactured in Ireland, to increase the amount of that product, and thus indirectly to stimulate foreign trade and indirectly to compete with the British manufacturer, and yet in such a manner that no Court would say the act was illegal? The right hon. Gentleman thinks he retorts upon us by saying that we were the authors of a system of premiums and bounties in Ireland, and asking how can we pretend that the Irish Parliament should not be permitted to exercise that liberty of legislation which the Imperial Parliament has exercised on behalf of Ireland. He says you have given these premiums, and how can you prevent the Irish Legislature dealing with premiums? It is quite true we have given them premiums, and there is no Act of legislation with which I have ever been connected of which I hope more from, and am more proud of having dealt with, than that very portion of the Land Act of 1891. But there is the very widest possible distinction between the Imperial Parliament, out of public funds, at the will of the Representatives of the English working man and the English manufacturer, doing something to benefit the poorer districts of Ireland, and an Irish Parliament, not with the consent of the English working man and not in harmony with the English manufacturer, giving premiums or bounties for the protection of some trade in Ireland which competes in a neutral market with the English working man. I wish the Committee and the country to understand that if the right hon. Gentleman, under cover of the

fact that the Irish Legislature may not deal with matters of foreign trade, refuses to accept the Amendment, he gives the Irish Legislature power, by spending Irish money in this way, to compete in the English market with the English workman and the English farmer. No *in quoque* about the Act of 1891 and no subtleties about the distinction between premiums and bounties on manufactures will blind the eyes of those whose interests are so nearly affected by the refusal of the Government, in terror of the action of their hon. Friends below the Gangway.

MR. W. E. GLADSTONE : Permit me to say that it is not in terror of our hon. Friends below the Gangway, but it is in terror of public justice and public policy.

MR. A. J. BALFOUR : Well, Sir, the refusal of the Government, for whatever reasons, to accept words to carry out, and which are required to carry out, the intention which they themselves declare they accept.

MR. WOLFF (Belfast, E.) said, that, representing as he did one of the largest manufacturing constituencies in Ireland, he should like to express his full concurrence with the Amendment. He strongly objected to bounties or premiums being given for trade or manufactures. He objected to them in general, because he did not think they would do any good at all in the way of permanently increasing the manufactures in Ireland; and he further objected to their introduction because he did not believe there was any money with which to pay for these bounties. He was of opinion that no bounties were required to encourage manufactures in Ireland, and he was induced to that belief more especially by the experience of Ulster. How was it that they in the North of Ireland had been able to foster a large trade? How was it they were the largest flax manufacturers in the world? How was it they had become a large shipbuilding centre there; and how was it that in almost every other manufacture they had advanced by leaps and bounds without any bounties or premiums to assist them? They had no advantage over the rest of Ireland in the way of natural conditions. There was no coal nor iron in Ulster, and the greater part of the flax they spun and wove was exported from abroad. If

they had got on in this way under the existing laws, he saw no reason why the rest of Ireland should not get on in the same way, provided the inhabitants showed the same determination and application which had been shown by the people of Ulster. But there was one difference, and one great difference, between the rest of Ireland and Ulster, and that was in the nationalities which inhabited these two parts of Ireland. It was the custom in that House to speak of the whole of the inhabitants of Ireland as the people of Ireland. They were as separate and different in Ulster from the rest of Ireland as they were from almost any other part of the world. Whatever merits the Celtic nation might have—and whatever might be said its favour—he did not think that a talent for mechanics or industry or trade was amongst them; and he did not think they could foster the industries which were requisite in Ireland by these small bounties, and, as he had said before, they had no money for any large bounties. The Parliament the Government were about to create would have five-sixths of its Members chosen by agricultural constituencies. These constituencies would know nothing about trade, manufacture, or industries in general such they understood in Ulster. There was a belief among the more ignorant portions of the population of the South and West of Ireland that the only reason why manufactures did not flourish there was because of the jealousy of the English Government. He had heard it said that everything that was made in England could be made in Ireland if it were not for the English Government, and that there was an abundance of coal in the centre and West of Ireland, only the English Government would not allow them to dig for it. A Parliament composed in that way would think all they had to do would be to start a few small shops and factories, and they would be almost certain to grant bounties or premiums to anyone who started an industry in the South. He thought a great deal of money would be thus wasted, which, instead of leading to any good, would cause an immense deal of disappointment. The hon. Member who moved the Amendment said that a great deal of money would be spent so as to raise industries with a view to hamper them

in Ulster. He was not in the least afraid of any such thing. The industries and manufactures of Ulster were established on so permanent a footing that it would take more than the small sum the Irish Parliament could give to injure them. In starting on their new career — though he was of opinion they would never start on that career—he should like to guard the Irish Parliament or the Irish nation from wasting their money in so futile an effort as to start industries in the South of Ireland. He did not believe there was any money to pay for them. At all events, as the Financial Clauses at present stood, they would probably be landed in bankruptcy in two or three years. The Financial Clauses had been postponed, and possibly the Prime Minister had some surprise in store for them, and perhaps he was going to give £2,000,000 or £3,000,000 to Ireland. If that was the case, and the Irish Legislature chose to waste money in an attempt to start industries, that was their own affair.

*SIR JOHN LUBBOCK (London University) observed, that there was another aspect of the question which had not yet been dealt with, and to which he wished to call the attention of the Government. We were very careful in our financial system, when similar articles were produced at home and imported from abroad, that the duties in the two cases—the Excise Duties in the one and Customs in the other—should be kept as nearly even as possible. Let them take the case of spirits. If the Irish Government gave a bounty on the production of whisky they would greatly stimulate the consumption of whisky as against that of imported spirits. But the Excise Duty on whisky went into the Irish Exchequer, while the Customs Duties on other spirits belonged to the Imperial Exchequer. The effect, therefore, would be to diminish the Imperial and increase the Irish Revenue. He hoped some Member of the Government would explain to the Committee how they proposed to meet such a case, which would manifestly be very unjust to the British taxpayer.

MR. SEXTON: The hon. Gentleman the Member for Belfast is courageous in his inconsistency. He said the Irish people would waste their money on bounties and premiums, and, at the same time, declare they had no money to waste.

MR. WOLFF: I said they would waste the money if the right hon. Gentleman was kind enough to give them another £2,000,000 or £3,000,000.

MR. SEXTON: The hon. Gentleman having first prophesied that they would waste their money, then said that not only would they have no money to waste, but that they would be bankrupt in two or three years. My view is that we shall have no money. The most favourable scheme that we have heard of the future finances of Ireland would be a surplus of £500,000. If Ireland has only a surplus of £500,000, and if she will have to pay her own new police, as she will have to do, and to apply money to remedial measures which press for settlement, it is extremely obvious that out of her Revenue, upon the existing basis, she will have no money to apply to either premiums or bounties; and I think it would be a courageous speculation to suppose that the Irish Government would impose a new tax for the purpose of providing the means. The hon. Member for East Belfast is extremely courageous in denouncing the idea of premiums or bounties, because he ought to remember that the staple trade of Ulster—the linen trade—which is an export trade, did not reach to vigour, and probably never would have reached to vigour, except by a liberal system of bounties long continued. For many years, and I think for more than one generation, the trade of which Ulster is most proud, which is the staple and the guarantee of her prosperity, was nourished and fed from a condition of helpless infancy to a condition of vigour and security by the very system which the hon. Gentleman has the courage to condemn. Under the present Bill it would not be possible to have any such system of bounties applied, because that system was applied to the trade for the purpose of export, and such a system, so directly applied, would not be possible under the Bill. I will only add that I heard the speech of the Leader of the Opposition with very great surprise. He spoke of the Imperial Parliament applying Irish money for the purpose of developing certain Irish industries, and he quoted the Land Purchase Act of 1891. The discussion upon that Act up to the present moment has been limited to the Congested Districts part of it.

What was the main function of the Land Purchase Act of 1891? Will the Committee consider it for a moment? The Tory policy embodied and placed upon the Statute Book by the Land Purchase Act of 1891 is to apply £30,000,000, not of Irish money, but of Imperial credit—for what purpose? To enable the farmers in Ireland to purchase their farms, and by the purchase of their farms to secure a material reduction of their rents; and thereby, in the most direct and substantial manner, you have applied the Imperial Revenue on a vast scale to the production of meat and butter in Ireland, not for any local purpose, but for the purpose of the export of these two staple productions in Ireland to the English markets, where they would compete with the productions of the British farmer. That precedent having been set by the Tory Party two years ago, I will await with interest to see what hon. Members of the Tory Party will support an Amendment by which the Irish Legislature would be debarred from devoting, not Imperial money, but their own money, for the purpose, not of export trade, which would be in competition with the British farmer, but for the purpose of developing those local industries into which competition with the British farmer does not enter.

MR. J. CHAMBERLAIN: It may be my fault, but I confess I fail to see the applicability of the Act of 1891 to the point we are discussing, because the Act of 1891 was an Imperial Act; and there is no doubt—it is even admitted by this Bill—that there are many things which the Imperial Parliament might do with perfect propriety, but which we do right to exclude from the operations of an Irish Parliament. For instance, some years ago there was a protective tariff instituted in this country by the Imperial Parliament, and is it to be said that as the Imperial Parliament in past times sanctioned a Protective tariff it would be wrong to prevent the Irish Parliament imposing a similar tariff? The Government, for reasons which they have given, have thought proper to prevent the Irish Parliament from imposing Protective Duties; but they have gone further than that, because, as I understand my right hon. Friend, he makes a distinction between bounties when they are given in the shape of grants in aid

of export goods and premiums which would in some way or other be designed purely for goods of internal trade, and says that the Government are not willing to allow the Irish Legislature to set up a Protective tariff in the shape of bounties on export goods. But let me point out that bounties in aid of internal trade may also affect external trade. For instance, a manufacturer may be able to reduce his profits or his external trade in consequence of the bounties given in aid of his internal trade. But I will come to the point which I wish to bring home to the Government. Let me, in the first place, point out that if the Bill passes, the majority of the Irish people will desire to protect and stimulate by some means their own industries. Nobody denies that. My right hon. Friend does not suggest that that will not probably be the case.

MR. W. E. GLADSTONE: I passed that by.

MR. J. CHAMBERLAIN: But we must not pass it by.

MR. W. E. GLADSTONE: As I am challenged, I will say that I do not believe in the universal participation of the Irish people in a crusade in favour of Protection.

MR. J. CHAMBERLAIN: Then my right hon. Friend stands alone in his opinion. He is in direct opposition to any of his Colleagues on the Front Bench. Here is what the Chief Secretary for Ireland wrote upon the subject in *The Nineteenth Century*:—

“There can be little doubt that, given the chance, Ireland would imitate the example of the United States, Canada, Victoria, and most other countries in the world, by erecting a Protective tariff against woollen cloth, shoes, and other manufactured articles.”

He goes on—

“Home Rule, therefore, in the shape that finds favour with the National Party means a Protective tariff and the introduction of bounties and other fiscal measures which to Englishmen, I say, are an abomination.”

I suppose that that was admitted on all sides. At all events, I need not press the question whether the Irish Legislature would or would not do these things, because my right hon. Friend has told us that, so far as the Government are concerned, they intend to prevent them. But I do not think he perceives that unless he carries the restrictions a little further, it will be possible for the Irish

Legislature to do those things. Take the articles referred to by the Chief Secretary—woollen cloths and shoes. I know that very large quantities of shoes and woollen cloths are sent from England to Ireland, but I do not know whether there are any considerable manufactures in Ireland itself. At all events, such as they are, they are insignificant compared with the manufactures in this country. Suppose the Irish Legislature desires—and it would be a very natural desire—to foster the woollen manufactures, for which the climate is suitable; or foster the manufacture of shoes and boots. Suppose the Irish Government say—“For every yard of woollen cloth made in Ireland, we will give so much, and for every pair of boots or shoes we will give so much.” Well, though the Irish Government may say that they are not giving bounties to export manufacturers, the effect on the manufactures of this country would be precisely the same. The Irish industries would be fostered by these bounties and premiums, and the consequence would be that the boots and shoes and woollen goods sent from England to Ireland would be no longer sent, and we would be enabling the Irish Parliament to legislate to the detriment of our own people and our own trade. Undoubtedly, the practical effect of leaving it in the power of the Irish Legislature to grant premiums upon internal manufactures will be exactly the same as that of giving it the power of creating a Protective tariff. In either case it will be able to foster Irish trade to the detriment of English trade.

Mr. JAMES LOWTHER (Kent, Thanet) said, he found himself in the very unusual position, for him, of being compelled to support the Government in opposition to the views of his own political friends. He ventured to say that anyone who gave even the most cursory attention to Irish history should feel convinced, as he felt, that at the root of the Irish difficulty was the fact that by the action of England two centuries ago trade was practically stamped out in Ireland. That was not merely an historical Irish grievance, but it was a practical, pressing matter of the present time, which those who were responsible for the government of Ireland, whether it was an Irish Government or an English Government, would be compelled to face and deal with. The hon. Member for

North Islington and the right hon. Baronet the Member for London University, very naturally, being Free Traders, were opposed to bounties, or premiums, or Protective Duties for the encouragement of local trade. As a Protectionist he did not hesitate to pronounce in favour of these remedies, and he thought that, as the British Government of the past had stamped out the manufactures of Ireland, some assistance was due from the State in support of the existing manufactures of the country. Some hon. Gentlemen might think that Ireland ought to realise that she was a pastoral and agricultural country, and that she ought not to go further afield for the means of subsistence for her people. He challenged any Irish Member to rise in his place and say that the Irish Legislature would venture to adopt a policy of that kind. He believed that no Irish Government would stand a chance of obtaining a renewal of the confidence of the Irish electors that would boldly proclaim that no encouragement whatever ought to be given to Irish trade. If the House prevented the future Legislature of Ireland from taking steps to remedy the grave injustice inflicted on Ireland two centuries ago by the English Government, they would tie behind its back the hands of the Irish Legislature they were asked to create, and inflict on Ireland a great and irreparable wrong. The first act of the Irish Legislature should be to devote funds for the development of Irish manufactures, which everyone, with any pretensions to statesmanship, who had studied the Irish question considered was necessary for the restoration of Irish prosperity. He thought it was their duty to empower the Irish Legislature to impose bounties and premiums. He had no desire to assist in the creation of an Irish Legislature; but if they were to have such a Legislature, they should not debar it from discharging what should be its primary duty to the people of Ireland. On these grounds, if the Amendment were passed to a Division, he would feel bound with regret—a regret which he was sure the Prime Minister would feel was unfeigned—to vote against the Amendment.

MR. HORACE PLUNKETT (Dublin County, S.) said, that as he had a very peculiar interest in the industrial and economic prosperity of Ireland, he desired to address the Committee briefly

on the subject of the Amendment. He was not in a position to absolutely and entirely condemn bounties, because he was a member of the Congested Districts Board, which had been partly instrumental in putting the system of premiums into operation, and he heartily approved of premiums with proper limits. But he believed that these bounties, which, so far as they were justifiable, could be allowed in Ireland through the medium of the Imperial Parliament, as at present, would, under the proposed Irish Constitution, and if left to the uncontrolled management of the Irish people, be disastrous measures. He came to that conclusion because of his very thorough knowledge of the feelings of the great majority of the people of Ireland. Take the case of the Irish woollen industry. Every Irishman's blood boiled—and even the blood of the right hon. Gentleman the Member for Thanet boiled—at the thought of the iniquitous destruction by England of the Irish woollen industry. The history of that industry was very peculiar. It arose chiefly from the fact that the English Parliament put restrictions on the importation into England of Irish cattle, and so drove the Irish people to take up the woollen industry. The industry was carried on with great success until, at the request of the English Parliament, which had then come to be controlled by the middle classes, induced William III. to declare, in a Message from the Throne, that he would do anything he could do to discourage the woollen trade of Ireland and promote the trade of England. He, as a South of Ireland Member, therefore made some reduction in the glory, piety, and immortality of that otherwise great Sovereign on account of the injury he had thus done to Ireland. That industry was quite natural to Ireland, and ought to be its chief industry at the present time. When the restrictions on the trade were withdrawn, however, the trade did not restore itself. That was because it had been carried on in Ireland as a home industry; and the industrial revolution which took place about the time that the restrictions were withdrawn made it necessary to conduct the manufacture on a large scale in great centres. For this the temperament of the Irish people was unsuited. So long as an industry could be conducted in their own homes, the Irish could compete successfully in the

industrial race; but it was different when they were asked to submit themselves to the discipline and restrictions of the factory, which was altogether unsuitable to the temperament of the people. Besides, the Irish had acquired evil industrial habits, as was shown by the Preamble of an Act of Charles II. That Preamble ran—

“Whereas there is a complaint in England, France, and other parts beyond the seas whither the woollen cloths and other commodities made of wool in this (His Majesty's) Kingdom of Ireland are transported, of the false, uneven, deceitful, and uncertain making thereof, which cometh to pass by reason that the clothiers and makers thereof do not observe any certain assize for length, breadth, and weight for making their clothes and other commodities aforesaid in this Kingdom as they do in the realm of England, and as they also ought to do here, by which means the merchants, buyers, and other users of the said cloth and other commodities are much abused and deceived; and the credit, esteem, and sale of the said cloth and other commodities is thereby much impaired and undervalued to the great and general hurt and hindrance of the trade of clothing in this whole realm.”

One of the greatest dangers of fostering this illusion as to the powers of legislation with respect to industry was that those powers would be used instead of sound industrial methods. For that reason he should support the Amendment; and also because he believed that these bounties would be the constant source of friction between England and Ireland. Past bounties in Ireland had almost invariably given rise to fraud and dishonesty in trade.

MR. A. J. BALFOUR: I have no desire of prolonging this Debate, but I must point out to the Committee that we have respectfully urged upon the Prime Minister that by his own showing under the Bill there would be—under whatever name you please—subventions by the Irish Parliament which would undoubtedly have the effect of enabling Irish manufactures to compete injuriously with English manufactures in the English markets. To that contention of ours no reply of any sort, kind, or description has been made by the Government. The right hon. Gentleman uses as an illustration the Congested Districts Act of 1891, and asks us would we refuse the Irish Parliament power to deal with it? We have pointed out that if the right hon. Gentleman's construction of his Bill is correct, the Irish Parliament cannot deal with it, because the

bounties granted under that Act applies to articles for export purposes. There was a further point made by the right hon. Gentleman the Member for the University of Dublin, and to that also the Government neither made nor attempted to make the slightest answer. If they believe it to be to their interest to leave these important arguments wholly undealt with, it is not for us to complain, and we are ready to go to a Division.

MR. W. E. GLADSTONE: In my opinion the assertions of the right hon. Gentleman are totally unwarranted and unsustained by the facts. I am of opinion that the Irish Parliament will have the power of dealing with these premiums. If not, and if it can be proved that they are of the nature of bounties, there will be an opportunity for dealing with them on the ground that the Irish Parliament is precluded from touching what belongs to foreign trade. My conviction is, that they do not belong to foreign trade, and that they will be legitimately within the cognisance of the Irish Parliament, and, in my opinion, they ought to be within that cognisance.

MR. T. W. RUSSELL rose—

Mr. John Morley rose in his place, and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The Committee divided:—Ayes 288; Noes 256.—(Division List, No. 126.)

Question put accordingly, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 288; Noes 252.—(Division List, No. 127.)

THE CHAIRMAN: The next three Amendments, as follows, are out of Order, the matters having already been decided by the Committee:—

Clause 3, page 2, line 7, after "Ireland," insert "or the imposing or levying of any duty whether in the nature of octroi or otherwise upon goods of any kind imported into Ireland or received at any harbour or port in Ireland."

Clause 3, page 2, line 7, after "Ireland," insert "or the giving of any preference or advantage directly or indirectly, and whether by bounties or differential duties to any goods produced or manufactured in Ireland over similar goods or manufactures produced or manufactured elsewhere."—(Mr. Tomlinson.)

Mr. A. J. Balfour

Clause 3, page 2, line 7, after "Ireland," insert "bounties in favour of Irish products."—(Sir Ellis Ashmead-Bartlett.)

MR. BOUSFIELD (Hackney, N.) moved the following Amendment:—In Clause 3, page 2, line 7, after "Ireland," insert "or merchant shipping." He said the object of the Amendment was to make it clear that matters regulating the navigation and control of merchant shipping and seamen were matters reserved exclusively for the Imperial Legislature. If one could rely implicitly on the expressions which had fallen from the supporters of the Government in making this Amendment he was only endeavouring to effect that which was already the intention of the Government. He ventured to think that what the Prime Minister said the previous day in reference to the great trade circle of which this United Kingdom was the centre, and other expressions which had fallen from him, tended to show it was the object of the promoters of the Bill to reserve this question of the control and regulation of merchant shipping as a matter exclusively within the cognisance of the Imperial Legislature. It would save the time of the House to a large extent, and would save him from saying a good deal if at that early stage one might know whether such was the intention of the Government, and also whether they contended that the clauses which were to be found in the Bill sufficiently dealt with this subject? Did they say that it was their intention and desire to exclude the question of the regulation of merchant shipping from the Irish Parliament, and reserve it exclusively for the Imperial Parliament; and did they contend that that intention was sufficiently carried out by the words of the Bill as they stood? One would have thought there would have been some response to an appeal of that kind, but the result showed that even in a matter of this importance the Government were playing a waiting game, and that according to the exigencies of the situation they would be prepared to contend or not, as suited them best, that certain vague and ambiguous words which were to be found in this Bill did sufficiently deal with the subject. It might be suggested, for instance, that "trade with any place out of Ireland" sufficiently covered the question of merchant shipping. If it was contended

that these words did sufficiently deal with this subject of merchant shipping, he had to say that unfortunately right hon. Gentlemen who were sitting on the Government Bench were not in the position of judges in this matter, but only in the part of those who expressed an opinion as to the meaning of the Bill, which not only would bind no Court, but could not even be brought before a Court in any mode or form. They had the words "trade . . . or navigation" in the Bill with the contention possibly that they dealt with the subject. Though a ship was an instrument of trade, the exclusion of "trade with any place out of Ireland" would not exclude ships, the registration of ships, tonnage, inspection and control of ships in harbour, and all other matters which were matters of internal government, although they related to ships used for the purposes of external trade. It was plain that the words "trade with any place out of Ireland," although they covered the use to which the ships might be put, could not cover the ships themselves, and the way they were to be dealt with in Ireland. The harm which these vague words would do was not at present sufficiently apprehended by right hon. Gentlemen opposite, because they had already had a remarkable interpretation put upon them by the Prime Minister, which, if valid, would prevent the Irish Legislature from touching those matters which were referred to in the Land Act of 1886. Surely, if this Bill was intended to be passed and practically worked, the right hon. Gentleman would give some plainer indication to the Judges of Ireland as to what his intentions were. They must be gathered from the words, and he ventured to think the Government ought not to object to the addition of some words to the Bill which would make it clear it was not intended that this matter of merchant shipping should be dealt with by the Irish Legislature. In the Index of Statutes under the head of the "Merchant Shipping," there was a list of 74 Acts. The Merchant Shipping Act of 1854 repealed and amended the Acts of previous legislation, and under that Act the Board of Trade were entrusted with very important powers with reference to merchant shipping. The Board of Trade were to have power in the United Kingdom to exercise a general superintendence over

all matters relating to merchant ships and seamen. Of course, as far as these matters were included in the words "trade with any place out of Ireland," they were already excepted in the Bill. So far as they had to do with navigation, they also were already excepted; but, so far as these matters had to do simply with the regulations which the Irish Government might make with regard to ships in Irish harbours, and all the various matters appertaining thereto, they were not at present in any way provided for in the Bill. It was intended, he presumed, that the Board of Trade should still be the Central Authority for dealing with matters relating to merchant ships—such as Returns in relation to ships, the powers of Board of Trade and Customs officers to inspect ships, documents, logs, &c., for the United Kingdom. But he would point out that these were things to be dealt with on the shores of Ireland, and did not necessarily affect trade with any place out of Ireland, or navigation. It was a remarkable feature of this Bill that, while they did hear, some time ago, that it was the desire of the Government to give Ireland certain local powers in a distinctly subordinate Legislature, which should be under the supremacy of the Imperial Parliament, yet, as a matter of fact, this Bill gave to them far wider powers than had been given to any self-governing Colony in relation to this matter. The second part of the Merchant Shipping Act was prefaced by this clause—

"The second part of this Act shall apply to the whole of Her Majesty's dominions."

There, therefore, was an illustration of the way in which Parliament still was supreme throughout the British dominions. There was a provision which applied to the whole of Her Majesty's dominions, which no single Colony had the power to touch, yet, under the Bill they were now discussing, the Irish Legislature would have a power which no Colonial Legislature would have—namely, the power of repealing certain provisions of that Act. [Mr. W. E. GLADSTONE dissented.] Ships were to be used, no doubt, in trading with places out of Ireland; but the building, the registration, and the putting a ship into water and preparing it for use abroad was not a matter of trade with any place out of Ireland, or a matter of navigation, but it was a matter relating so far exclusively to Ireland. Here were

provisions in the Merchant Shipping Act, applying to every part of Her Majesty's dominions, stating that British ships must belong to British subjects, who who must be British subjects by birth or naturalisation, the ships must be registered, and there were regulations as to tonnage, certificates of registration, transfer of mortgages, and constituting certain offences for breaches of the Act. None of these were within the purview of any Colonial Legislature, and what words were there in the Bill excluding them from the purview of the Irish Legislature? He contended that before they went any further they were entitled to know whether the matter was supposed to be dealt with, and if it was, he submitted it was imperfectly dealt with indeed; and if it was imperfectly dealt with, the Government could surely offer no objection whatever to the introduction of the words he proposed. He begged to move the Amendment.

Amendment proposed, in page 2, line 7, after the word "Ireland," to insert the words "or merchant shipping."—(*Mr. Bousfield.*)

Question proposed, "That those words be there inserted."

SIR J. RIGBY: The hon. and learned Member who proposed this Amendment says we have only vague words for dealing with this matter. Can it be doubted that under the word "navigation" is included legislation as regards ships?

MR. BOUSFIELD: Perhaps the hon. and learned Gentleman will allow me to say what I meant to have said upon that point? If he will look in the Index relating to the Statutes dealing with Merchant Shipping, he will find one distinct set of Acts—74—under the head of "Merchant Shipping," and another relating to tidal waters, and so on, under the head of "Navigation."

***SIR J. RIGBY:** The hon. and learned Gentleman, I think, might have spared me that interruption. It does not follow, because "navigation" would include ships, that therefore it would be a convenient way to classify all Shipping Acts under the word "navigation." But I venture to say that common sense is enough here. If you exclude from the powers of the Legislature the right to deal with navigation, it would be the ildest suggestion

really to say that they are not excluded from dealing with the ships which are the sole instruments of navigation. I do not know how navigation can be carried on without ships. At any rate, the ships are the main instruments of navigation. I should almost say they are the sole instruments. Now, what is the subject of merchant shipping? It is the subject of what shall be a British ship. Registration and all those matters which were spoken of by the hon. and learned Gentleman, and matters dealing with shipping in Ireland, are really the conditions that we have imposed upon a ship being entitled to carry the British flag over the world, the conditions which make it possible that the privileges given to British shipping shall be claimed by a British ship. You cannot omit any of them without endangering the position of a ship as a British ship. We think it so intimately connected with navigation, and it forms so important a part of navigation, that a general prohibition against making laws in respect of navigation of necessity involves a prohibition against making laws as to shipping. It is again and again asked why not introduce words? Because where you have a general description and then you cut that and put in a particular one at once the argument arises the word "navigation" must be used in the narrower sense because, we are told, by your own confession, it did not include merchant shipping. For my part, I should not be able to say with the slightest degree of confidence what was included, or that any single matter was included, under what is called the "vague" term navigation, if we tried to cut that down by inserting definite matters such as is now proposed.

MR. J. CHAMBERLAIN: I always listen to the hon. and learned Solicitor General with the respect which is due to his legal reputation. But he must be aware that on the matter on which he has just addressed us, as on a good many other previous matters, he is at variance with other legal luminaries; and accordingly we are left to the light of common sense in which I suppose a non-legal Member of the House may indulge as well as the most learned Member of the profession. The hon. and learned Gentleman says that navigation includes all merchant shipping legislation. I say that is absolutely opposed to common

Mr. Bousfield

sense, and I will say why. Does navigation include the registering of ships? Is a part of navigation ships? I say my common sense differs from the common sense of my hon. and learned Friend. Again, take the load line. A load line is fixed in the harbour. Is that connected with, or an essential part of, a navigation scheme? The fittings which it is necessary a ship should carry may be useful in navigation; but they are not covered by the word navigation. They are all matters, it seems to me, which are distinguished from that part of the life of a ship which is included in the term navigation. I can quite understand the action of a ship when it is navigating is one thing; the action of a ship before is quite different. I will say, in making these observations, that I have looked into the matter before, because this is a subject in which I take a special and particular interest. When I was at the Board of Trade I had to do with administering existing legislation, and I, therefore, made special inquiries on this point; and I find, at all events, there are legal gentlemen of authority who differ entirely from the hon. and learned Gentleman, and who say that if you want to exclude from the competence of the Irish Parliament all questions of marine shipping legislation you must specially exclude them. If you want to include merchant shipping in the term "navigation," do you intend to exclude the Irish Legislature from dealing with that portion of merchant shipping which requires great care—questions of food, sanitation, prevention of scurvy, and other such questions? Does the Solicitor General say those questions are included in the term?

SIR J. RIGBY: No, no!

MR. J. CHAMBERLAIN: Very well. I was going to say, when I was interrupted—and since then I have had the benefit of the opinion of my right hon. and learned Friend behind me (Sir H. James)—that you cannot include such questions under the head of "navigation." I must protest against the way in which this Debate has been carried on by the Government. When the question was brought forward my hon. Friend opposite asked the Government whether they intended that these questions should be excluded from the oversight of the Irish Legislature? The Government absolutely refused to say.

I do not believe they knew. If they had said what their intention was, the speech of the hon. and learned Gentleman might have been spared. But the Government had not made up their minds. We saw the consultation that took place, and the result was that the Solicitor General was put up to tell us that "navigation" covers and includes ordinary questions in relation to shipping. Well, in my opinion, the Government would do well to accept the words of the Amendment, in order to make their meaning clear and beyond doubt. If they do not accept the Amendment they will have done a pretty night's work. By their conduct on the last Amendment they went far enough; but I think they ought, in a matter of this kind, to make it clear that this Parliament has reserved to itself the control of merchant shipping and seamen.

*SIR M. HICKS-BEACH (Bristol, W.) said, both sides of the House were absolutely agreed in principle on this matter. He believed that the Government intended, as they on that (the Opposition) side desired, that the whole code of merchant shipping should remain, as now, in the hands of the Imperial Parliament. He would refer the Government to *Stephen's Commentaries*, chap. viii., in order to show that the classification adopted in that authority used the term "navigation" as meaning only one out of a variety of subjects, including under other headings matters relating to the mercantile marine, to merchant seamen, to pilotage, to lighthouses, and other questions. He was at a loss, therefore, to understand how the word "navigation" in the Bill could be made to cover all the branches given in this work. It was clear from the Schedule of the Bill that it was intended that these laws should be administered throughout the United Kingdom in the future, as they now, by officials of the Board of Trade, are responsible to the Imperial Parliament; but if they allowed the Irish Legislature to deal with any part of the code of legislation relating to these subjects, they would practically allow the control of these important questions to pass out of their hands. He hoped the Government would agree to the Amendment.

MR. W. E. GLADSTONE: If we were to agree to the insertion of the words it would not be in consequence of the classification under the head of

navigation which the right hon. Gentleman has read. When the Government resist the introduction of words which I have not the slightest doubt are proposed in good faith, I desire to tell hon. Gentlemen that they do so also in good faith and through fear of their limiting effects. There might be reasons, as hon. Gentlemen will see, why, by those effects, serious mischief might be done. The right hon. Gentleman the Member for West Birmingham has threatened us with a night's discussion, or a penalty for not at once accepting this Amendment.

MR. A. J. BALFOUR: No, no!

MR. W. E. GLADSTONE: He said it was in consequence—

MR. A. J. BALFOUR: No, no!

SIR W. HART-DYKE (Kent, Dartford): He did not say that.

MR. W. E. GLADSTONE: Will you allow me liberty of speech?

SIR W. HART-DYKE: What the right hon. Gentleman said was, that if you did not accept the Amendment you would have done a pretty night's work.

MR. W. E. GLADSTONE: I am sorry, then; I must have misunderstood him. Even had he threatened us, however, I should not have the least hesitation in accepting the doctrine of the Solicitor General. But the question is:—"Can we meet the hon. and learned Gentleman in doing anything to regulate the language of this clause?" I may say at once that if, without serious detriment to the Bill, the Government can meet the hon. and learned Gentleman they are anxious to do so. Though the Government do not like the form of the Amendment, they think it would be likely to avert danger and to remove doubts if they agree to the words "navigation, including merchant shipping."

*MR. GIBSON BOWLES said, he wished to point out that the meaning of "navigation" was the art of conducting a ship from one part of the earth to another by nautical astronomy. Navigation could not include crimping, the measurement of tonnage, and a variety of other questions; and they would only make the Act ridiculous if they included the words suggested.

MR. W. E. GLADSTONE remarked that if an Act of Parliament said that "merchant shipping" was included in the term "navigation" it would be impossible to carry the argument further.

Mr. W. E. Gladstone

SIR H. JAMES said, of course, he agreed with the Prime Minister. He was anxious to inform the hon. Member for King's Lynn that an Act of Parliament could do anything. On one occasion Lord Palmerston said that an Act of Parliament could do anything except change the sexes, and that was impossible.

SIR R. TEMPLE (Surrey, Kingston): Does it include "merchant seamen?"

MR. DUNBAR BARTON said, the words "merchant seamen" ought to be added.

MR. FLYNN (Cork, N.): Or canal boats.

SIR R. TEMPLE moved the addition of the words "merchant seamen."

Question proposed, "That those words be added."

MR. DUNBAR BARTON said, these words were necessary in accordance with the classification in existing Statutes.

MR. MACARTNEY said, there was another Amendment on the Paper relating to the question of navigation.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (MR. ASQUITH, Fife, E.) said, there could not be a shadow of a doubt that seamen were included in "merchant shipping."

SIR R. TEMPLE asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. BOUSFIELD asked liberty to withdraw his Amendment.

Amendment, by leave, withdrawn.

SIR J. RIGBY moved that the words "including merchant shipping" be inserted after the word "Ireland."

Question put, and agreed to.

THE CHAIRMAN: The Amendment standing next on the Paper in the name of the hon. Member for Stockport (MR. WHITELEY) relating to factories, workshops, and regulation of hours of labour, is not in Order here. I will tell the hon. Member the place at which it would be proper to move it. The next Amendment in Order is in the name of Sir Thomas Lea.

SIR T. LEA (Londonderry, S.) moved, in page 2, line 8, after "navigation," to insert "or harbour regulations." He said his object was to put the Bill on this point in the same position as that of 1886. The present Bill exempted trade, navigation, and quarantine from the powers of the Irish Legislature, but did not, like the Bill of 1886, exempt har-

bour regulations. The Amendment closely interested such ports as Belfast, Londonderry, and Kingstown.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

SIR T. LEA went on to say that those who were interested in ports like Londonderry and Belfast were afraid that unless some such Amendment were inserted the Irish Legislature would be able to deal with Harbour Boards, to control harbour dues, and to interfere with mercantile business. Why should not the Board of Trade continue to exercise the same powers as at present with regard to harbour regulations? Shipping and navigation were very closely akin to harbour regulations. It was certainly impossible to draw a very distinct line showing where the difference between them began and where it ended. Unless the Amendment were adopted, the Board of Trade Regulations to which ships would be subject outside a harbour might clash with those which were made by the Irish Legislature for the inside of the harbour. The hon. Member for North Belfast (Sir E. Harland), who had undertaken to represent the case of the Belfast Harbour Board to the House, was, unfortunately, not able to be present; but he had told him that the Board had borrowed between £1,000,000 and £2,000,000. The rate of interest on that money controlled the dues which ships had to pay. If that rate were increased through the action of an Irish Parliament, undoubtedly the dues would have to be increased and the trade of the port would suffer. If through the establishment of an Irish Legislature the credit of Belfast and Derry were lessened people would not lend so readily to the Harbour Boards as if they remained under the Board of Trade. It might be asked what the Irish Legislature would do. That was one of the general questions often debated in the House. It would certainly be within the power of the Irish Legislature to tax harbour dues. If they did they would certainly damage the interests of Irish ports. In order to show what were the interests at stake he would quote the case of Belfast. Belfast imported all the iron and material for its great ship-building industry, all the coal for its manufacturing industries, and two-thirds

of the raw material for its spinning mills. It was necessary that all these things should be imported at the lowest possible rate, and that for this purpose the harbour dues should be kept low. Belfast alone had 55 per cent. of the total Irish registered shipping tonnage, which amounted in the aggregate to 256,439 tons. Surely, under these circumstances, Parliament ought to be very careful how it touched such a very important industry. What he desired was that the harbour regulations should remain under the Board of Trade, and should not be liable to be interfered with by the Irish Legislature. It might be said that the Irish Legislature would not interfere with them. Why not, then, state in the Bill that it should not interfere with them?

Amendment proposed, in page 2, line 8, after the word "navigation," to insert the words "or harbour regulations."
—(*Sir Thomas Lea*.)

Question proposed, "That those words be there inserted."

MR. RENTOUL (Down, E.) said, that was a subject of far more importance than appeared at first sight, and it was very intimately connected with the whole question of shipping navigation, which had been taken out of the hands of the Irish Legislature. The Harbour Boards had the power of levying rates and harbour dues and of borrowing money to any extent, and they had to keep up tide and weather gauges as well as harbours. Bearing in mind the amount of public money spent upon some of the harbours in Ireland, especially the Kingstown Harbour, it would seem very strange if it were left in the power of the Irish Legislature to neglect such harbours. One of the duties of the Harbour Boards was to provide accommodation for Custom House officers. As the Customs pertained to Imperial legislation, it was very important that the Imperial Parliament should have power of dealing with the question of accommodation for these officers. Unless the Amendment were accepted, it was possible that laws might be made to the disadvantage of certain harbours and to the advantage of others. The Government professed its willingness to safeguard the interests of Ulster. Those interests were very largely centred in the City of Belfast, and the trade of

Belfast was largely dependent for its existence and prosperity on its shipping. Under these circumstances, he hoped the Amendment would be accepted.

***SIR J. RIGBY**: The suggestion of the hon. Member is that, whilst Belfast and Londonderry are now very prosperous, opportunity will be given, if the Irish Legislature has anything to do with harbours, for crippling their prosperity. That is one of the arguments which we have always repudiated; and I venture to express an opinion that this section has been drawn on the right lines. Under the Merchant Shipping and other Acts in connection with general navigation, certain powers are given to the Commissioners of Irish Lights in regard to harbours, and the Board of Trade has a general supervision with regard to those powers. As we have excluded from the power of the Irish Parliament everything relating to navigation, including shipping, we do not consider that the Irish Legislature could in any way interfere with the authority of the Commissioners of Irish Lights or the Board of Trade. There are, of course, certain local Harbour Boards, and it may happen, as time goes on, that it will be desirable to have legislation in regard to those Boards. I put aside entirely the idea that legislation would be introduced for the purpose of crippling industry. The only legislation that would have a chance of passing the Irish Legislature would be directed to improving industry, and I think the Irish Legislature would have a better chance of knowing what would be proper regulations to apply to the Harbour Boards than anyone in England. If we are to pass an Act of this kind, surely it would be idle to make Harbour Boards come to England and say—"We want regulations respecting those portions of our harbours which are not under the control of the Commissioners of Lights or the Board of Trade." I say that with regard to these matters the Irish Legislature ought to be entitled to make such alterations in the law as may from time to time appear expedient.

MR. H. PLUNKETT (Dublin Co., S.) said, it was important to consider the position of those harbours which had an Imperial value and importance in connection with the Naval, Military, and Postal Services. The Harbour of Kingstown was one of these. Some weeks ago he was asked by his constituents to put a

question to the Chief Secretary as to whether Kingstown Harbour, in the event of the Bill becoming law, would be maintained and controlled by the Irish or the Imperial Government? The answer he received was that all the information he required would be found in Section 25 of the Bill. Well, Section 25 dealt with the use of Crown lands by the Irish Government, and merely provided that Crown lands in Ireland might be placed under the control of the Irish Government, subject to such restrictions as might seem expedient. This did not seem to deal with the question at all. It was quite certain that the Irish Government would refuse to be at the large annual expenditure which the Imperial Government at present incurred in respect of Kingstown Harbour, and he should like to ask the Government how the question was to be dealt with?

MR. MACARTNEY (Antrim, S.) said, the point raised by his hon. Friend was an important one. He (**Mr. Macartney**) had been glad to hear the general view expressed by the Solicitor General that the supreme control of the Commissioners of Irish Lights was not to be in the slightest degree interfered with. Those Commissioners, however, had nothing to do with the harbour lights in Dublin, Belfast, or other ports. He presumed that any legislation of the Irish Legislature on the subject would be in the direction of improving the regulations for the harbours. He presumed, also, that if the Harbour Lights Commissioners had reason to differ from any regulation that passed the Legislative Assembly they would have power, as now, to disapprove it. The Solicitor General, however, had not made any definite statement on the point raised by his hon. Friend (**Mr. Plunkett**). An enormous amount of Imperial money had been spent on Kingstown Harbour, which was almost exclusively used for Imperial purposes; and he wished to know where there were any words in the Bill which would safeguard Imperial interests in that harbour?

MR. J. MORLEY: The hon. Member seems to anticipate some remarkable change in the social and commercial relations between England and Ireland.

MR. T. W. RUSSELL: So there will be.

MR. J. MORLEY: Does the hon. Member think that all social relations will

cease after this Bill has been passed? The contents of the ledgers may differ, but the communications between people in England and their friends in Ireland will remain as now. Commercial correspondence also will go on just as it does now. It is not practical to talk of the cessation of those conditions which make it desirable that there should be a mail service between England and Kingstown. The harbour at Kingstown is, no doubt, not a commercial harbour, like Belfast or Cork or Waterford, but an Imperial harbour. It is under the control of the Board of Works, and so it will remain.

MR. MACARTNEY pointed out that not long ago an effort was made in the House of Commons to transfer the Post Service from Kingstown to Dublin. Therefore, it was not altogether unpractical to suggest that the present mail service at Kingstown might at some time or other cease to exist. He wished to know what clause of the Bill provided that the harbour should remain under Imperial control?

MR. J. MORLEY: We do not want any reservation in the Bill. Whatever the conditions subsisting now will continue to exist as far as they are not affected by the Bill.

SIR J. GORST (Cambridge University): I must really ask for a little further explanation. I understand the right hon. Gentleman to say that, inasmuch as Kingstown Harbour is at present under the Board of Works of Ireland, it will remain under that Board. The Board of Works is a Department of the Irish Government which is specially under the Treasury; but will it remain under the Treasury? Will the Commissioners of the Board of Works and their secretaries and staff remain under the Imperial Government after the Bill is passed?

MR. J. MORLEY: My answer is, yes. In Kingstown Harbour certain authority belongs to the Local Body. That, of course, will remain; but as long as the harbour remains a port for Imperial purposes, so long will the Board of Works have the same authority with regard to it as it has now.

MR. GOSCHEN (St. George's, Hanover Square): Will the Board of Works be an Irish or an Imperial Authority, or will it be in the same position as the Lord Lieutenant—that is to say, for certain

purposes an Imperial Authority, and for other purposes an Irish Authority?

MR. J. MORLEY: The Board of Works is a Department of the Imperial Treasury. The Local Board of Kingstown will maintain its rights; and as far as Kingstown continues to be used for Imperial purposes, so far will the Board of Works, as representing the Treasury, retain its present functions.

MR. GOSCHEN: Then do I understand that the Board of Works will continue to be an Imperial Authority? The Board is concerned with many Imperial interests. It collects for the Treasury. It is connected with drainage, and it governs the harbours. I am, therefore, glad to learn, if I understand the right hon. Gentleman rightly, that it will be an Imperial Authority to which we may look for the defence of Imperial interests.

MR. SEXTON expressed the opinion that the discussion about the position of the Board of Works and the Government had been sprung upon the Chief Secretary, not for the purpose of enlightening the minds of those who had raised the discussion, but to embarrass, mystify, and bewilder. They all knew what the present functions of the Board of Works were, and by the Bill those functions would pass to the Irish Legislature, except, possibly, such as related to certain limited Imperial matters. These latter would include the matters administered by the Board of Works in harbours like Kingstown and Howth in their Imperial aspect. In so far as Imperial interests required Imperial authority to be maintained in regard to Kingstown some Imperial Department would exercise that authority. There would be no practical difficulty whatever in regard to the protection of Imperial interests or the control of those interests by Imperial authority.

MR. GOSCHEN could assure the hon. Member that he did not ask this question for the purpose of embarrassing the Irish Secretary—and it was very difficult to embarrass the right hon. Gentleman—but he asked in order to obtain information, and because he thought a misunderstanding might easily arise. They were told the Board of Works would be responsible for Kingstown Harbour as an Imperial harbour. The Board would be acting in a double capacity, and would be responsible to the Imperial Parliament for the Imperial

work, and to the Irish Authorities for its Irish works. He understood the same view was taken by the hon. Member for North Kerry, who thought that the Board of Works would be an Irish Authority, and have charge over most of the work.

MR. SEXTON: If it continues to exist.

MR. GOSCHEN: If it does not, then we have lost authority even over the Board of Works. ["No, no!"] The Chief Secretary had referred them to the Board of Works. The position of the right hon. Gentleman was that the Board of Works was to be responsible as regarded Kingstown Harbour. If so, would the Board of Works be responsible to that House? Would the officials of the Board of Works be in any way amenable to the Imperial Parliament, or under the Bill would it be practically amenable to the Irish Legislature? He simply wished to probe this matter to the bottom, and he thought the Chief Secretary would agree with him that the Committee were entitled to the information for which he now asked.

MR. J. MORLEY perfectly assented to the view that this matter should be probed to the bottom. The bottom, however, was very near, and the matter was very simple. It was true that he mentioned the Board of Works. He did not mean the Board of Works as it now existed, but he meant a Department representing the Treasury. Kingstown Harbour would remain, as it was now, under the Local Authority in reference to such local regulations as that Local Authority thought fit to make. It would remain (as would the other harbours which were practically non-commercial) under some officer or some Department of the Treasury so far as it was used in respect of what might be called Imperial services. He thought that was a quite simple answer.

SIR J. GORST admitted that the right hon. Gentleman had made a perfectly clear explanation. He wanted, however, to put this further question: Would all the harbours and public works in Ireland now under the jurisdiction of the Treasury remain, like Kingstown Harbour, under the jurisdiction of the Treasury, not through the intermediary of the existing Board of Works, but through the intermediary of any local Treasury officer whom the Imperial

Government might think proper to appoint.

*MR. GIBSON BOWLES pointed out that the harbour regulations were enforced by harbour masters, and inquired whether these officers at Kingstown and the various other places would be under the control of the Imperial Authority or of the Irish Legislature?

DR. KENNY (Dublin, College Green) observed that one of the subjects of harbour regulations would be the subject of quarantine. He should like to hear from the Chief Secretary an interpretation of the saving words at the end of the clause with reference to this Amendment. Could the Irish Parliament deal with the subject of quarantine so far as it related to the public health? This was a most important matter, and it was no answer, to his mind, that the English people did not desire quarantine if they in Ireland desired to protect themselves from infectious disease. Cholera, for a long time, had been stoutly denied by scientists in the interests of trade to be an infectious disease—

CAPTAIN NAYLOR - LEYLAND (Colchester): Is the hon. Member in Order in discussing the question of quarantine?

THE CHAIRMAN: I understand he is referring to harbour regulations, which is pertinent to the clause.

DR. KENNY said, he would simply ask how far the saving words at the end of the clause would affect the Irish Legislature in dealing with the subject of quarantine when it cropped up?

MR. MACARTNEY said, the right hon. Gentleman told them there was no necessity to introduce these words into the section, because they were reserved for some future Imperial Authority which was not affected by the Bill. If that were so, then the Government had not proceeded on the same lines in Sub-sections 7 and 8, because the Solicitor General had just told the Committee that the Commissioners of Irish Lights would be regarded as an Imperial Authority, and would not be interfered with by this Bill. If that were the case, why should they in Sub-section 8, immediately except from the authority of the Parliament in Ireland lighthouses or sea marks, because the jurisdiction of the Commissioners of Irish Lights was entirely confined to lighthouses and sea marks? If their authority was untouched by the

Bill it was not necessary to mention them. It seemed to him from the line of argument adopted by the Chief Secretary with regard to the reservation of Imperial harbours to be unnecessary to put in lighthouses and sea marks.

Mr. Macfarlane rose in his place, and claimed to move, "That the Question be now put"; but the Chairman withheld his assent, and declined then to put that Question.

Debate resumed.

Mr. JAMES LOWTHER asked for a distinct statement as to who was to be the authority responsible in future with regard to harbour regulations in Ireland? Could the Local Authorities in Ireland under this Bill impose whatever harbour dues they thought fit? That was to say, could the authorities amenable to the Irish Legislature and Executive impose such dues as they thought fit in the various harbours of Ireland? He was not mentioning Kingstown, which stood in an exceptional position. Of course, the Chief Secretary would see that if the Local Authorities had power to settle dues as they thought fit, without reference to this somewhat nebulous authority which the right hon. Gentleman's own imagination had conjured up—namely, the Board of Works, which the hon. Member for North Kerry said was to be abolished.

Mr. J. MORLEY: A Treasury officer.

Mr. JAMES LOWTHER said, the hon. Member for North Kerry had told them that, for all practical purposes, the control of the Treasury officer was to cease. That was to say that hereafter authorities which were to be subject to the Irish Legislature and Executive were to supersede this Imperial Authority, and in regard to the future dues were to do as they pleased. That was the hon. Member for North Kerry's opinion, which, for the moment, he was bound to rely upon.—

Mr. SEXTON: I prefer to state my views myself, although I am obliged to the right hon. Gentleman for acting as my interpreter on this occasion.

Mr. JAMES LOWTHER said, the hon. Gentleman stated his opinion very clearly in a manner that was in direct conflict with the statement of the Chief Secretary. The Chief Secretary distinctly left upon the mind of the Committee the impression that in future there would be

an Imperial official who would be responsible to the Imperial Parliament for the purposes connected with harbour administration in Ireland—and who would not, of course, be responsible to the Irish Legislature—so far as these purposes were Imperial. What purposes were Imperial, and what were not? That was a question they were entitled to ask, and he put it in no controversial spirit. Was it the opinion of the Government that the Irish Legislature ought to have control over harbours so far as dues were concerned? If the levying of dues was to remain in the hands of the Irish Executive and Legislature it would reopen a good many questions which the Government thought were decided an hour or two ago. If dues could be settled by an Authority which was not subject to the Imperial Parliament, but subject only to the Irish Executive and Legislature, a good many of those somewhat delicate fiscal matters which had occupied the attention of the Committee that afternoon would have to be reconsidered before long. Would it be in the power of the Irish Authority, independent of the Imperial Legislature, to settle the dues at the Irish ports in the future, and, if not, who would be the Authority?

Mr. J. MORLEY quite accepted the assurance of the right hon. Gentleman, that he did not make these remarks in any controversial spirit. In reply to the right hon. Gentleman, he had to say that if the Harbour Authority imposed dues for the purpose of interfering with the access of British ships or making the access of these ships a matter of heavier charge—if, in short, they imposed dues, in the slightest degree with a Protective object, then, of course, these regulations would be contravening the exceptions of this clause they were now discussing, which took trade and navigation out of their power. If, on the other hand, the Harbour Authority increased its dues to meet expenses in connection with harbour administration, it would, of course, have full power to regulate the whole of the dues for this purpose.

Mr. JAMES LOWTHER said, he understood the right hon. Gentleman to say that provided the dues were not differential, the Local Authority had complete power. But take this case. Suppose the Irish Legislature and Executive desired to prevent any commodity which they produced

themselves from coming in. He understood the Chief Secretary to say they could not place English goods at a disadvantage, but what about goods coming from coastwise or any other country?

MR. J. MORLEY : They can impose no dues with a fiscal object.

MR. JAMES LOWTHER asked who was to be the judge of whether the dues were framed with a Protective object? He took it would be in the competence of the Irish Harbour Authorities to impose dues all round upon all ships that entered the port, and if they wanted to keep out foreign produce they would have the power to do so.

MR. J. MORLEY said, he had already explained that the Harbour Authorities could not impose any dues for fiscal purposes.

MR. JAMES LOWTHER : For Protective purposes?

MR. J. MORLEY : Of course they may not. I have said that several times. They may impose dues for harbour administration, but they may not for any purpose which would bring them within the prohibition affecting trade and navigation.

Mr. Sexton rose in his place, and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The Committee divided :—Ayes 232 ; Noes 187.—(Division List, No. 128.)

Question put accordingly, "That those words be there inserted."

The Committee divided :—Ayes 214 ; Noes 259.—(Division List, No. 129.)

MR. MACARTNEY said, he rose for the purpose of asking the Solicitor General what the expression "inland waters" meant. Did the words only include waters entirely surrounded by land, or did they include territorial waters, whether tidal or non-tidal? If the words had the larger meaning he would move their omission from the clause.

***SIR J. RIGBY** : By "inland waters" I understand waters that are outside the jurisdiction of the Admiralty. Tidal waters below bridge over which ships come and go are not inland waters as I understand them. Inland waters are waters above bridge, though they may be tidal.

Mr. James Lowther

MR. MACARTNEY then moved to leave out the words "inland waters." He took it that the words applied to waters to which there was access from the sea, and, therefore, having regard to the position they occupied in the section, they became of great importance. This very question had been raised in the United States. One of the State Legislatures attempted to give the exclusive rights of navigation of waters to which the words would apply to certain persons, and he wished to ask the Solicitor General whether it would be competent for the Irish Legislature to give to certain persons the exclusive right of navigation in inland waters, and whether it would also have the power to give exclusive rights to persons whose vessels or boats were registered in connection with these waters? Having regard to what had taken place in America, it was desirable to have this question distinctly cleared up. So far as he understood the Solicitor General, the definition was extremely vague as to whether it included bays, estuaries, and every type of river. The Committee would see this would affect very seriously the commercial navigation rights in connection with many inland waters in Ireland. He had no objection to the words standing as they were if limited to waters surrounded by land in Ireland; but if it was not to be admitted in this specially direct manner, he thought the Committee could not rest satisfied with leaving the very large powers that must be handed over under this exception to the Irish Legislature, when those powers might be administered and directed towards large stretches of water as to which they had no kind of idea.

Amendment proposed, in line 9, after the last Amendment, to leave out the words "inland waters."—(*Mr. Macartney.*)

Question proposed, "That those words stand part of the Clause."

***SIR J. RIGBY** : I am sorry I did not make my meaning clear, because there should be no vagueness at all. All bays, creeks, and navigable rivers are included. Everything above bridges, though the river be connected with the sea, is inland water. If great ships, by reason of the shallowness of the water or any other reason, or because there is a bridge, cannot get up the river, then the Admiralty

jurisdiction stops, and where that stops inland waters begin. With respect to the cases that have taken place in America, they have been with regard to great rivers, immense creeks, or inland seas, and I am not aware there is anything of the kind in Ireland.

MR. MACARTNEY said, he was obliged to the hon. and learned Gentleman for his explanation, which he thought satisfactory. He apologised for having troubled him again, but he had not understood that his definition went so far. He begged leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

THE CHAIRMAN: The next two Amendments on the Paper are out of Order. That of the hon. Member for St. Pancras (Mr. T. H. Bolton) and that of the hon. Member for Wigan (Sir F. S. Powell) ought to be brought on upon Clause 20.

MR. A. J. BALFOUR: Not in the view of disputing your ruling, but for the satisfaction of the Committee, may I ask the grounds on which you have ruled out of Order these Amendments?

THE CHAIRMAN: The grounds are that they are not relevant to the clause under discussion.

MR. SEXTON: As a question of Order, Sir, I wish to ask you whether it is in accordance with the Rules of the House, or whether it is usual for the Chair to be called on to give reasons?

THE CHAIRMAN: To that extent I believe it is. For a similar reason the two next Amendments are out of Order; they come properly under Clause 35. The first Amendment in Order is in the name of the hon. and gallant Member for the Holderness Division of York (Commander Bethell).

MR. AMBROSE (Middlesex, Harrow): On a point of Order, may I venture to say that I consulted you when my Amendment stood in another place, and that you yourself, with the assistance of Mr. Milman, the Clerk—

THE CHAIRMAN rose to reply, when—

MR. AMBROSE said: Sir, I cannot hear you for these men talking—

THE CHAIRMAN: The time for the Chair to rule whether Amendments are in Order or not is when the Amendment comes on, and, having considered a somewhat difficult matter, I have come to the

conclusion that the Amendment standing upon the Paper in the name of the hon. and learned Member is out of Order. The next Amendment in Order is that standing in the name of Commander Bethell.

MR. AMBROSE: Mr. Mellor—

THE CHAIRMAN: Order, order! I call upon Commander Bethell—

MR. AMBROSE: Mr. Mellor—

MR. W. E. GLADSTONE: I rise to Order. I hold that when you have distinctly called upon a particular hon. Member to move an Amendment and another hon. Member persistently interrupts and presents himself to the Committee after he has been ruled out of Order, if he persists in that line of conduct I think you should be called upon to name that Member.

MR. AMBROSE: Mr. Mellor—

THE CHAIRMAN: Order, order! I can only say I think the conduct of the hon. and learned Member is most disorderly.

MR. AMBROSE: Sir, I claim the right to be heard upon a question of Order.

THE CHAIRMAN: Order, order! If the hon. and learned Member persists in his conduct I shall have to exercise the powers provided by the Standing Order.

MR. AMBROSE: You may, Mr. Mellor.

MR. A. J. BALFOUR: It is greatly to be regretted, I am sure, that this heat should take place. The hon. and learned Member, I am sure, intended no disrespect to the Chair. I understood him to say that he rose to a point of Order, which I suppose is not an improper position to take up.

THE CHAIRMAN: I did not understand the hon. and learned Gentleman rose to a point of Order. If he did so that is different.

MR. AMBROSE: That is exactly what I did, Mr. Mellor.

THE CHAIRMAN: I wish to explain. I think that the hon. and learned Member does not understand what the position is. He rose to a point of Order, and I gave my answer to it, and I explained to him the grounds upon which I gave it, and he now persists in rising because, I think, he cannot have understood the position in which he is. Let me say this: that the persisting in rising to Order in these circumstances is dis-

tinctly disorderly, and if he persists in doing so I shall be obliged to exercise the powers given me by the Standing Orders and to name him.

MR. AMBROSE, again rising, was received with cries of "Name, name!"

THE CHAIRMAN: I think it possible the hon. and learned Gentleman is going to apologise to the Committee.

MR. AMBROSE: I desire to explain that I rose to Order, and I had not the opportunity of putting what my point of Order was.

THE CHAIRMAN: Commander Bethell.

MR. AMBROSE: I ask this question : —*[Interruption.]*

THE CHAIRMAN: I trust hon. Members of the Committee will listen to the hon. Member for a moment.

MR. AMBROSE: I desire to say that I have only claimed, and am only claiming, the right to put my point on the question of Order.

THE CHAIRMAN: The hon. Member is out of Order. Commander Bethell.

COMMANDER BETHELL (York, E.R., Holderness) said, he imagined the Government would hardly reject his Amendment, as it had found a place in the Bill of 1886. The Amendment, he owned, was of a very complex character, and one more fit to be argued by learned Gentlemen than by himself; but he had placed it before the Committee in order that he might get an explanation from the Government in regard to it. The matter, as he understood it, tended in this way: The question of "prize or booty of war" was under the jurisdiction of the Admiralty Court, and he wished the Solicitor General and the Chief Secretary to understand that his Amendment did not propose to interfere with the jurisdiction of the Admiralty Court, but to interfere with the power of the Irish Legislature to vary the law under which the jurisdiction of the Admiralty Court was exercised. He might, perhaps, be exposed to the criticism that the present Bill did not contemplate giving the Irish Legislature power to vary the laws under which that jurisdiction was exercised; and it might be said, as it had been before, that this was exclusively an Irish matter. He did not know whether that would be the line taken by the Government; but if it was, he thought the learned Solicitor General would be prepared to agree with him that after sitting

The Chairman

for 14 days listening to hon. and legal Gentlemen disputing whether a subject was or was not exclusively an Irish affair, that a layman might be excused for asking that any doubt as to the exercise of that jurisdiction might be made quite clear. Moreover, it seemed to him a difficulty arose from the fact that an Amendment on this particular subject had already been rejected. He would invite the Solicitor General in his reply to state as clearly as might be whether he relied on the words in the Bill, which declared that the Bill was only intended to apply exclusively to Irish affairs. He begged to move the Amendment standing in his name.

Amendment proposed,

In page 2, line 9, after the word "or," to insert the words "prize or booty of war, or offences committed on the high seas; or."—(Commander Bethell.)

Question proposed, "That those words be there inserted."

MR. SEXTON: I wish to ask you, Sir, a question with regard to the second paragraph of this Amendment. As to the first part, "prize or booty of war," I ask whether that is not already covered by the words "the making of peace or war, or matters arising from a state of war." That is one point; but there is another point with regard to the words "offences committed on the high seas."

COMMANDER BETHELL: I do not propose to move that.

THE CHAIRMAN: So much of the Amendment as is comprised in the words "prize or booty of war" is in Order.

*SIR J. RIGBY: The Court of Admiralty discharge double functions; in time of peace they administer our Municipal Law, and in time of war they sit to administer the Law of Nations. It is only in time of war questions can arise as to prizes, and that is a matter that does not depend on Irish or English law, except in the sense that we have adopted the rule of law amongst nations as that which ought to govern our course. There cannot be a case in which a question of "prize or booty of war," would be interfered with by any Irish law, or, speaking properly, by any British law; we leave that to the accepted Code amongst nations. If one thing is clearer than another it is that this is a matter that does not exclusively relate to Irish affairs.

This is an Amendment that would positively exclude the subsequent clause. As to "prize or booty of war," that is altogether excluded from the Municipal Law, and the words would be misleading.

COMMANDER BETHELL asked if the Irish Legislature would have power to vary the procedure of the Court or had we the power to vary the procedure of our law in the matter?

*MR. GIBSON BOWLES asked if it was not the fact that prizes of war came to the Sovereign, who was in possession of the prize when brought into port, and that it was by virtue of some Act of Parliament that the distribution of the proceeds of the prize was made? He would further ask how the matter would be affected by leaving the matter open to be dealt with by the Irish Legislature?

MR. VICARY GIBBS (Herts, St. Albans): Are we not going to hear from the Solicitor General?

SIR J. RIGBY: I thought I had shown that, whatever else it was, it was not exclusively Irish, and that "prize and booty of war" could not be. I do not believe there are any such Acts of Parliament as those to which the hon. Member refers. The Crown is entitled to the prize and booty of war; and as regards the distribution, I do not know there are any Acts, but, if so, we could not make this a matter appertaining exclusively to Ireland.

Amendment negatived.

THE CHAIRMAN: The next Amendment in Order is that in the name of the hon. Member for North Islington (Mr. Bartley).

MR. BARTLEY (Islington, N.) said, he would not say much about the Amendment he now moved. He agreed that beacons and lighthouses, which were a very great advantage, should remain under the Imperial control as at present intended; but the next portion, "sea marks (except so far as they can consistently with any general Act of Parliament be constructed or maintained by a local Harbour Authority)," it appeared to him would lead to an immense amount of litigation and friction between the Irish Legislature and the Imperial Parliament; therefore it was hardly desirable to leave it in its present form.

Amendment proposed, to leave out sub-section "(8)."—(Mr. Bartley.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. J. MORLEY: I think the object of the sub-section is one with which the hon. Member will have no cause to quarrel when I tell him what it is. I must admit there is a verbal Amendment to make, which I shall move at the proper time, in order to bring this sub-section into conformity with the Merchant Shipping Act of 1854. The state of things in respect of lights in Ireland is this. The authority in Ireland is the Commissioner of Lights; that is the general Irish authority, but the general supervision of the work of these Commissioners of Lights is in the Board of Trade. The Local Authorities have their own local lights; they have the arrangement of business and so forth, and in that part of their work they are under the supervision of the general Irish Authority under the Commissioner of Lights, who, again, is under the Board of Trade. Undoubtedly, so far as the lights affect the general navigation, they will remain, as they are now, under the Board of Trade. The object of this sub-section is to leave power to the Irish Legislature to entrust local harbour authorities with the power of putting lighthouses subject to the supervision and sanction of the principal authority. I think, with that explanation, the hon. Gentleman may be satisfied.

MR. T. M. HEALY: The matter now under the discussion of the House deals with a subject of some importance to us—namely, the composition of the Irish Lights Board. Under the Bill of 1886, we had control over the Irish Lights Board; and, in my judgment, the proper course to pursue would be to extinguish the Irish Lights Board, and to put the matter over which they have charge under a body constituted in a different manner. At present the Irish Lights Board spend thousands of pounds every year upon a series of yachting expeditions, in the course of which an enormous amount of whisky and champagne is consumed, and by which the public money is simply thrown away. Originally, this Irish Lights Board was under some sort of popular control; but in the early fifties this House proposed—and this is an instance of the way these things have been done—about 4 o'clock

in the morning, this House passed an Act capturing about £50,000 that belonged to us, and handed it over to the Trinity Board, for which we have never got a single penny in the way of a return since there has been constituted a body of local gentlemen, some of them generally connected with the illuminating interest with whom the right hon. Member for West Birmingham at one time had considerable friction, but of whom he now takes a more friendly view, as they are of the Unionist persuasion. These gentlemen co-opt one another, and a more corrupt body—[*Cries of "Question!"*—]—I use the word in the useless sense—a more corrupt body than the Irish Lights Board it would be impossible to conceive. And my suggestion to the Government is this: that the entire of the Irish Lights Board should be disbanded and got rid of, and that the Board should then be put under the control of the Board of Trade Department, and that we should have a proper and Imperial Department to look to in regard to those lights. The present constitution of the Irish Lights Board in Dublin is one of the subjects upon which the people are extremely bitter; and although, of course, they are Orangemen to a man, the hon. Member for Belfast has had to complain of the manner in which they performed their functions in regard to the lighthouses and the providing for the persons in those lighthouses of the means of getting education, the consolations of religion, and other matters of that kind. Their contracts are given and jobbed away in a most unsatisfactory manner. [*"Question!"*] I am arguing in favour of the extinction of the Irish Lights Board, and the putting of it under a proper Imperial Authority, which I say it will be impossible to do under this present section as it is drawn. As to the latest performance of these gentlemen, it was admitted by the President of the Board of Trade that the contracts they have recently made, so far from being an improvement upon previous contracts in the matter of expense, have led enormously to the expense of lighthouses, because the contracts have been jobbed and given away among their cronies and friends. The control of these lights is, in my opinion, one rather for Imperial supervision; and I must say that if a reform of that Board is to be allowed to

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wait until it can be dealt with by this House, I am afraid that, unless some Government is stimulated more than at present, this scandal—and it is a scandal in every sense of the word to have this waste of money—is likely to continue.

Mr. J. CHAMBERLAIN: We have, indeed, Mr. Mellor, listened to a characteristic speech made by the hon. and learned Member for North Louth. I think the Committee will bear me out in saying that no hon. Member has taken so much part in interrupting and calling them to Order as the hon. and learned Member for North Louth, and no Member has been stronger in his denunciation of what he has been pleased to call the obstruction of the Opposition. I will, however, submit that the speech of the hon. and learned Member has been the most obstructive and disorderly that we have yet listened to. We are considering in the Irish Home Rule Bill whether the Irish Lights Board should not be entrusted to the control of the Irish Legislature, and the hon. and learned Gentleman thought he saw an opportunity of lugging into that discussion, without rhyme or reason, an attack upon the Irish Lights Board, which has absolutely nothing to do with the present Debate, and he accompanied that attack with a statement about me which was unjustifiable. When I was President of the Board of Trade I had no contact of any kind with the Irish Board of Lights. I had only to review their financial proposals, and I did not interfere at all with the details of their work. There was a certain difference of opinion between the Board of Trade and an Irish inventor as to the best form of light. I do not say whether I was right or wrong; but, so far from this being a political matter, to this day I have no idea of the political opinions of the inventor. But as there has been a reference to champagne and whisky, I feel bound to say, having had control over the Irish, Scotch, and English Boards of Lights, that I have come to the conclusion that the Irish Board and the other Boards discharge an extremely useful and valuable work, and that they could not be absorbed by any Public Department without great disadvantage to the Public Service. I feel compelled to take notice of the remarks of the hon. and learned Gentleman, which appear to me to be absolutely irrelevant to our discussion, and intro-

duced simply to serve the personal feelings of the hon. and learned Member.

MR. SEXTON: I do not think that, in the opinion of anyone whose opinion is a matter of concern to my hon. and learned Friend, he will suffer in consequence of the attack made upon him by the right hon. Gentleman opposite. Sir, notwithstanding the deservedly high position which is held by the right hon. Gentleman, especially as a censor on the question of taste, I cannot admit that the speech of my hon. and learned Friend was either disorderly or obstructive. My respect for the opinion of the right hon. Gentleman does not lead me so far as to admit that, at any rate upon questions of Order, he is as good a judge as the Chairman of Committees. If the speech of my hon. and learned Friend had been disorderly he need not have waited to be informed of it by the right hon. Member for West Birmingham. Neither was the speech of my hon. Friend obstructive, but it was perfectly relevant to the case. What is the case before us? The proposition that beacons, lighthouses, and sea marks should continue to be matters of Imperial jurisdiction, and should be excluded from the purview of the Irish Parliament. My hon. Friend assents to that; but he thinks that this is the time for raising the question as to whether eventually these matters should be left to be administered under the direct authority of the Imperial Parliament, or whether this secondary jurisdiction of the Irish Lights Board should continue. I have had the honour to be a member of the Irish Lights Board for two years, so that I have some experience of its constitution. I may say I was there against the will of the Board, and *ex officio* as the Lord Mayor of Dublin. The constitution of the Board is anomalous, it is discreditable, and it ought to be discontinued. Although this Board levies and administers a large amount of public money, and discharges functions of great public importance, its constitution is in this wise: it is partly elected upon an extremely narrow franchise which is absolutely prohibitive; it allows no public opinion to penetrate it; it is partly nominated by the Lord Lieutenant and partly co-opted; and out of its 25 members only four are appointed by any elective influence. The proceedings of the Board are conducted in

private; they allow no representatives of the Press to attend; they publish no satisfactory statement of their affairs, so that the public have no means whatever of judging how their functions are discharged. That is an extremely unsatisfactory state of affairs, and when questions are put in this House we are told that the Board of Trade are not responsible. If I remember aright, the right hon. Gentleman the Member for Bristol (Sir M. H. Beach), in reply to a question put by myself, declared that the Board of Trade had no power; that the discretion rested in the Commissioners of Irish Lights; and that, however much he regretted the exercise of that discretion, he had no power to interfere. I say that in a case of this kind of a Board discharging public functions, it is not desirable—it is extremely undesirable—with all respect to the right hon. Gentleman opposite (Mr. Chamberlain), that such a Board should be allowed to continue, and we do say that while assenting to the reservation of this matter as an Imperial question, we do not think it satisfactory that such functions should be discharged by a Body which would not be responsible either to the Irish Legislature or the Imperial Parliament. We say it should be responsible either to one Body or the other; and whilst we do not claim it for the Irish Legislature, we say that the functions should be discharged by some authority responsible to the Imperial Parliament.

MR. A. J. BALFOUR: By some strange lapse of memory, hon. Gentlemen below the Gangway appear to think they are still in Opposition. Let me remind them that they are supporters of the Government; let me remind the Government that we look with some astonishment and surprise, not only at the scene which is going on, so far as Members below the Gangway are concerned, but at the action or inaction which the Government have maintained. The hon. and learned Member for Louth and the hon. Member for Kerry claim the right upon this sub-section, each of which said that certain matters should be reserved to the Imperial Parliament, to discuss the machinery by which the Imperial Parliament carries out its will. On that broad and general principle, it would have been in Order for us, on Sub-section 3, to discuss the constitution of the

Admiralty, on Sub-section 4 the constitution of the Foreign Office, on Sub-section 6 the constitution of the Courts of Appeal, on Sub-section 7 the constitution of the Board of Trade, and on Sub-section 9 the constitution of the Mint. The hon. Members have not only dragged in a wholly irrelevant discussion, but the hon. and learned Gentleman who opened the discussion has made offensive attacks upon individuals who are not here to answer for themselves. The Government, who would not allow the House to discuss for an hour the question of intimidation yesterday, and who would not permit us to discuss for an hour and a quarter the question of bounties to-day, without on both occasions moving the Closure, have sat silent and patient under the obstruction of their Irish friends. I hope the Government will in future deal fairly between the different sections of the House; and if they allow half-an-hour for a discussion utterly irregular and wholly trivial and useless, they will, at least, give the Opposition a reasonable time to discuss the great questions to which we desire to call the attention of the country.

MR. J. MORLEY: I confess that I have heard the speech of the right hon. Gentleman with surprise. I think this topic, which was started by the hon. and learned Member for North Louth, has occupied something like 20 minutes. I wonder how much of that time has been taken up by the right hon. Gentleman the Member for West Birmingham. If the hon. and learned Member introduced an irrelevant topic, why was it continued?

MR. J. CHAMBERLAIN: Because the hon. and learned Member made an attack upon people who are not in this House—an offensive and an inaccurate attack which it was necessary to answer.

MR. J. MORLEY: In any case, it was not the fault of the Government that the hon. and learned Member was not interrupted if he introduced an irrelevant topic. I am not, however, going to prolong this part of the discussion. It is certainly clear that the constitution of the Irish Board of Lights is not a topic which can be dealt with in this Bill.

MR. BARTLEY asked leave to withdraw his Amendment after the explanation which had been given.

MR. T. M. HEALY: I desire to say that every word I used was perfectly in

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Order, and I am absolutely indifferent to the sneers of the right hon. Gentleman the Member for West Birmingham.

***SIR MICHAEL HICKS-BEACH:** I hoped when the hon. and learned Member for North Louth rose again that he was about to qualify in some measure what I must characterise as the hon. and learned Member's vulgar and inaccurate denunciation of a body of gentlemen in Ireland of whose work I know a great deal more than the hon. and learned Member. I paid great attention to the subject during the four years I presided at the Board of Trade, and I know that these gentlemen did their work admirably, and they did it without payment or reward. I have risen, not with the hope of extracting anything that was fair to these gentlemen from the hon. and learned Member, but to express my regret that we have not had from Members of the Government, who ought to defend absent persons from such an attack, a statement of their opinion as to the services of these gentlemen, and a reply to the attacks of the hon. and learned Member.

***SIR JOHN LUBBOCK** desired to say that while he was Chairman of the Public Accounts Committee the question of the expenditure of the officials alluded to came before that Committee, and they came to the same conclusion as that expressed by the right hon. Baronet. He thought it only fair to bear testimony to the fact that he did not think them in any way open to the charges brought against them.

MR. T. M. HEALY desired to repeat that he adhered to every word he had said with regard to this body—[*Cries of "Order!"* in which the remainder of the sentence was lost.]

MR. MUNDELLA: There was no occasion for the right hon. Baronet opposite to impart any heat into the matter. The incident has arisen within the last half-hour, and it was impossible for me to interpose before, nor do I think it was necessary for me to do so. But I am bound to say that, so far as I have come in contact with the Irish Lights Commissioners and examined their work, I believe them to be a body of gentlemen who discharge honourably and conscientiously the work they have to do, and that there can be no such corruption as that to which the hon. and learned Member has alluded.

Amendment, by leave, withdrawn.

MR. J. MORLEY moved to leave out the words "beacons, lighthouses, or sea marks," for the purpose of inserting "lighthouses, buoys, or beacons within the meaning of the Merchant Shipping Act, 1854." The object of the Amendment, he explained, was to bring the matter into agreement with the definition in the Merchant Shipping Act.

Amendment proposed,

In page 2, line 10, to leave out the words "beacons, lighthouses, or sea marks," in order to insert the words "lighthouses, buoys, or beacons within the meaning of the Merchant Shipping Act, 1854."—(Mr. J. Morley.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. MACARTNEY said, he would like the right hon. Gentleman to explain whether "lighthouses" covered "lightships," or were they to understand that a distinction was to be drawn?

MR. J. MORLEY said "lighthouses" would cover "lightships."

*MR. GIBSON BOWLES said, the House must be very much disappointed that the Solicitor General had not explained how the words were to be interpreted. He could not conceive any construction of an Act of Parliament by which a "lighthouse" could be made a "lightship," or a "lightship" a "lighthouse." Acts of Parliament, no doubt, could be construed in many ways; but he did not think they should pass this clause without specifically including "lightships" within its ambit. He hoped the Government would consult to the inclusion of the provision in the words.

*SIR J. RIGBY said, "lighthouse" was defined so as, in addition to the ordinary meaning of the word, to include all other lights for the guidance of ships, and "buoys and beacons" to include all other signs and marks at sea for the same purpose.

ADMIRAL FIELD (Sussex, Eastbourne) moved, after "harbour authority," to insert "Commissioners of Irish Lights." He said he moved this Amendment on the ground that those who controlled the authority would control the lights. He would press the Amendment unless it could be shown that provision had been made in the matter in some other way.

Amendment proposed, in page 2, line 12, after the words "harbour authority," to insert the words "or Commissioners of Irish Lights."—(Admiral Field.)

Question proposed, "That those words be there inserted."

MR. J. MORLEY said, he would just point out that the effect of the hon. and gallant Admiral's Amendment would be the very opposite to that which he intended, for it would place the Commissioners of Irish Lights under the Irish Legislature. [Laughter.]

ADMIRAL FIELD: Just see my innocence! [Laughter.]

MR. T. M. HEALY said, he understood from the observations of the Leader of the Opposition (Mr. A. J. Balfour) a short time ago that this Amendment was perfectly disorderly, for, as the right hon. Gentleman had told them, the Irish Lights Board had nothing to do with the section, and he hoped he would ask his hon. Friends not to expend their energy in obstruction. [Cries of "Order!"]

THE CHAIRMAN: Order, order!

ADMIRAL FIELD said, he would ask permission to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. WHITELEY (Stockport) said, he rose to propose the Amendment standing in his name—

In page 2, line 12, after the word "or," to insert as a new sub-section the words:—"Factories, workshops, and mines, or the regulation of the hours of labour of men, women, and children in factories, workshops, and mines."

The object of the Amendment was to prohibit the Irish Legislature from abrogating a law for the protection of men, women, and children working in factories, workshops, and mines. His desire was to extend and maintain as a whole, and to apply to Ireland, all that factory legislation which was at present in force in the United Kingdom. He was of opinion that there should be uniformity of legislation throughout the United Kingdom on factory and workshop matters. The Amendment was not inferior in importance to any that had preceded it, for it concerned the health and welfare of every man, woman, and child engaged in the factories and workshops of Ireland. It was impossible to regard this matter as of a purely Irish character. They might be told that the

matter was covered by that Will-o'-the-Wisp provision in the Bill as to peace, order, and good government; but that could not be maintained at the present time, for trade and factory legislation was a subject of importance to the whole United Kingdom. He believed that the time was coming when this class of legislation would become of International importance, and when the working day would be fixed internationally between all the manufacturing nations of the world. He appealed, first of all, to hon. Members from Lancashire, and then to the Party which was known in that House as the Labour Party, to support the Amendment. His first object in moving it was to insure to the Irish people the great advantages which this country had derived from factory and trade legislation, so that the British and Irish workpeople might in the future compete with one another on fair and equal terms. The Government seemed to whittle down English interests wherever they came into antagonism with Irish interests. At the present time there were five Inspectors, with assistants—two in Belfast, one in Dublin, one in Cork, and one in Limerick—carrying out the provisions of the Factory Acts in Ireland. There were 263 textile factories in Ireland, employing 71,700 workpeople; there were 1,500 people employed in the mines; and there were a number of other industries which came within the scope of the Factory Acts. His contention was, that these people should be safeguarded in the enjoyment of the benefits of existing legislation, and in the continued enjoyment of the benefits that they enjoyed at the present time. Much had been done towards the diminution of the hours of labour of women and young persons, and he was glad that a Conservative Home Secretary was associated with reforms of that character. The House should bear in mind that the Irish Members had frankly declared their intention of fostering as much as possible industrial life in Ireland; but that object, laudable in itself, ought not to be attained at the expense of the workers in factories. There was no law in the Statute Book more valuable and necessary than that which limited the labour in factories. He thought the House would see that there were very valuable provisions in the law as it stood, and that there was

ample ground for asking the House, as he ventured to ask it, to adopt this Amendment.

Amendment proposed,

In page 2, line 12, after the word "or," to insert as a new sub-section the words:—"Factories, workshops, and mines, or the regulation of the hours of labour of men, women, and children in factories, workshops, and mines."—(*Mr. Whiteley.*)

Question proposed, "That those words be there inserted."

MR. FIELD (Dublin, St. Patrick's) said, the hon. Gentleman who had just sat down had taken upon himself to interpret the action the Irish Members would take in the Irish Legislature on these questions of factory employment. The hon. Gentleman seemed to be unaware that the Irish Members had in the past supported all useful measures affecting labour. What the Irish people wanted was to be treated in labour matters on equal terms with the people of England. He might tell the Committee that the Fair Wages Resolution which had been passed by that Assembly was ignored by the Irish Board of Works. If they proceeded with legislation on the lines now suggested the Home Rule Bill would be restrictive, and the Irish Parliament would be unable to help Irish labour. He did not know what the Bill would be like, and whether it would be worth accepting it, if the Government yielded on these questions to hon. Gentlemen on the Opposition Benches. Those hon. Gentlemen, who were so anxious in regard to the proceedings of the Irish Parliament, should remember what had been the action of English legislation, as entrusted to Bodies like the Irish Board of Works, in the past. He could inform the Committee that, at the present time, he was in communication with the Secretary to the Treasury—"Order!" He thought he ought to be allowed to proceed. He understood that hon. Members usually extended a little indulgence to a Member addressing them for the first time. He always understood that there was a spirit of fair play in that House; at any rate, he could tell the House that he had something to say that would be worth listening to, and that he would not sit down under clamour. He did not want to obstruct the Business of the House. The House would, he thought, admit that, as one of the few Labour

Members from Ireland, he had a right to be heard. He saw, however, that it was 12 o'clock, and he did not desire to detain the House further than was absolutely necessary. He would reserve what he had to say further upon the subject until to-morrow.

It being midnight, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again To-morrow, at Two of the clock.

PUBLIC WORKS LOANS BILL.—(No. 383.)

SECOND READING.

Order for Second Reading read.

***SIR J. T. HIBBERT**: I would ask the House to give this Bill a Second Reading. Its object is to authorise the National Debt Commissioners to issue £1,500,000 for the purpose of local loans by the Public Works Loan Commissioners, and £800,000 for the purpose of local loans by the Commissioners of Public Works in Ireland. The money they have at their disposal for this purpose has run out. This Bill will supply them with funds, and unless it is passed great inconvenience to Local Authorities will result.

Motion made, and Question proposed. "That the Bill be now read a second time."—(*Sir J. T. Hibbert.*)

MR. HANBURY (Preston) said, he did not want the Local Authorities of the country to suffer inconvenience; but they had to remember that the desire of the Government could be fulfilled by putting the Bill down as the first Order. The House had now a new set of circumstances to deal with. The Government had taken the whole of the time of the House; and when they said that they had Bills to pass which were urgently needed, the way to pass them would be to devote to them some of the time of the House which they had at their disposal.

***MR. BARTLEY** said, the Bill raised the large question of loans for public works, which was a subject upon which many hon. Members held strong opinions. They considered that the subject should be carefully gone into, with a view of checking this large increase in the local debt for expenditure on public works all over the Kingdom.

Second Reading deferred till Monday next.

VOL. XIII. [FOURTH SERIES.]

PLUMBERS' REGISTRATION BILL.

(No. 91.)

COMMITTEE.

Order for Committee read.

MR. LEES-KNOWLES asked the House to agree to the Order for going into Committee being discharged, so that the measure might be sent to the Grand Committee on Trade.

MR. S. EVANS objected.

MR. LEES-KNOWLES said, he thought the Bill could be more fairly and fully discussed before the Grand Committee. It was a Bill of considerable importance, which was referred last year to a Select Committee, the Blue Book of Evidence having since been published. The measure had on the back of it the names of as many Members on the hon. Gentleman's side of the House as on the Opposition side. Its object was to legalise a system which already existed. A large amount of money, time, and trouble had been spent by the Plumbers' Company of the City in dividing the whole of the Kingdom into districts for the purpose of examining and educating plumbers. The plumbers were educated and then examined from headquarters, and when they had passed examinations they received certificates. Only those men who were properly qualified received certificates; and it was essential that the public should know what persons were so qualified, having regard to the fact that plumbing was intimately connected with sanitation. The health of almost everybody depended upon the care with which plumbing work was carried out. The health of every Member of the House of Commons largely depended on it, and many of them, he was sure, had suffered from defective plumbing.

MR. S. EVANS said, he had not yet heard any argument to show why the Bill should be referred to a Select Committee. Under the circumstances, he thought it would be better that the Bill should be dealt with in a way which would bring its provisions more directly under the notice of Members of the House generally. Hon. Members opposite expected consideration for their Bills, but they took care to block the measures of their political opponents. He referred in particular to Bill No. 20 on the Paper (Places of Worship Enfranchisement Bill).

MR. LEES-KNOWLES said, he was sorry if the hon. Member's Bill was blocked; but he (Mr. Knowles) had nothing to do with the matter.

SIR E. HARLAND (Belfast, N.) : I object.

Committee deferred till To-morrow, at Two of the clock.

STATUTORY RULES PROCEDURE BILL. (No. 162.)

COMMITTEE.

Order for Committee read.

SIR A. ROLLIT (Islington, S.) said, he hoped hon. Members would allow this Bill to pass through Committee. Its object was to take care that there should be a publication of notice of those rules which were prepared by Public Departments in accordance with statutory powers, so that the House and the public would know beforehand what was proposed.

*MR. SPEAKER : The hon. Member is not in Order. There is no Question before the House.

Bill considered in Committee.

(In the Committee.)

MR. STUART WORTLEY (Sheffield, Hallam) : I should like to ask if Clause 2 has been examined and considered by the Government ? It seems to me to require looking into. Has it the sanction of the Government ?

THE UNDER SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. H. GLADSTONE, Leeds, W.) replied in the affirmative.

SIR A. ROLLIT : Every Department of the Government has given its assent to it, even the Local Government Board.

THE SECRETARY TO THE TREASURY (Mr. MARJORIBANKS, Berwickshire) : So far as the Treasury is concerned, it assents to the Bill as it stands. The Bill has received the assent of all the Departments.

MR. GIBSON BOWLES : There is no Minister present to give assent to the Bill.

SIR A. ROLLIT : I have letters from all the Departments approving of it.

Bill reported, without Amendment ; read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 10) BILL.—(No. 340.)

Read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 11) BILL.—(No. 360.)

Read the third time, and passed.

MESSAGE FROM THE LORDS.

That they have agreed to,—Electric Lighting Provisional Orders (No. 3) Bill without Amendment ; Electric Lighting Provisional Order (No. 1) Bill with an Amendment.

That they have appointed a Committee, consisting of Five Lords, to join with the Committee of the Commons (pursuant to Message of this House) for the consideration of the following Bills, namely :—

Canal Rates, Tolls, and Charges Provisional Order (Leeds and Liverpool Canal Bill,

Canal Rates, Tolls, and Charges Provisional Order (Navigation of the Rivers Aire and Calder) Bill,

Canal Tolls and Charges Provisional Order (Birmingham Canal Navigations) Bill,

Canal Tolls and Charges Provisional Order (Grand Junction Canal) Bill,

Canal Tolls and Charges Provisional Order (Warwick and Birmingham Canal) Bill,

And they propose that the said Joint Committee do meet in Committee Room A, on Monday next, at Two of the clock.

DUCHY OF CORNWALL BILL.—(No. 312.)

Considered in Committee and reported ; as amended, to be considered To-morrow, at Two of the clock.

EMPLOYERS' LIABILITY [PAYMENTS].

Committee to consider the advisability of authorising the payment, out of moneys to be provided by Parliament, of compensation for injuries to workmen in the employment of the Crown which may become payable under the provisions of any Act of the present Session relating to the Liability of Employers for injuries to their workmen (Queen's Recommendation signified) To-morrow at Two of the clock.—(Mr. Marjoribanks.)

House adjourned at Twenty-five minutes after Twelve o'clock.

HOUSE OF LORDS,

Friday, 9th June 1893.

COMMISSION.

The following Bills received the Royal Assent :—

1. Consolidated Fund (No. 2).
2. Municipal Corporations Act (1882) Amendment.
3. Cholera Hospitals (Ireland).
4. Public Libraries Act (1892) Amendment.
5. Police Acts Amendment.
6. Day Industrial Schools (Scotland).
7. Reformatory Schools (Scotland).
8. Statute Law Revision (No. 1).
9. Electric Lighting Provisional Orders (No. 2).
10. Pilotage Provisional Orders.
11. Military Lands (Provisional Orders).
12. Local Government (Ireland) Provisional Order (No. 2).
13. Metropolitan Commons Provisional Order (Orpington).
14. Electric Lighting Provisional Orders (No. 3).

RED SEA LIGHTS.

QUESTION. OBSERVATIONS.

*THE EARL OF MEATH asked Her Majesty's Government whether they were aware of the danger to navigation existing in the Red Sea owing to the absence of lights on the rocks known as Jebel Teir and Abu-Ail (Pile Island), as well as on the Arabian Coast near Mocha; and whether, in view of the loss of vessels which had already occurred in consequence of the absence of lights on those spots, they would use their influence to induce the proper Government or Authorities to erect and maintain adequate lights at or near the points mentioned? He said that, having lately passed twice through the Red Sea on voyages to and from India, his attention had been directed by naval officers to the dangerous condition of the navigation of that portion of the sea between the Dædalus lighthouse and the Island of

Perim, in the Straits of Bab-el-Mandeb, a distance of 862 miles, which had to be traversed by vessels without the assistance of a single light. The Red Sea had a total length of about 1,200 miles, and was well lighted by the Egyptian Government from the Suez Canal for the first 340 miles by seven lights until the Dædalus light was reached. After that no other light was visible until the Straits of Bab-el-Mandeb were reached at the extreme southern limit of the Red Sea, when a light was again seen on the British Island of Perim. The mariner, after passing about two-thirds of that unlighted stretch of 862 miles, found an island, Jebel Teir, exactly in his course, and should that be avoided and safely passed another exactly similar danger had to be encountered further on. To escape the second Island, Zebel Zukur, unfortunately, it was necessary to pass through an exceedingly narrow channel not more than a quarter mile wide, between Zebel Zukur and Abu-Ail—safe enough in full daylight and clear weather, but at night or in hazy weather very dangerous on account of shoals on both sides. That difficulty passed, the course had to be changed, and a point off the City of Mocha made for on the Arabian Coast. There, again, difficulties were found; the land lay very low, and could not be seen, except in the clearest weather and broad daylight, and danger arose from the shoals extending about four miles off the point. Naval officers agreed that a 20-mile lighthouse should be placed on Jebel Teir, which would enable them to steer safely between two dangerous banks, Dahalak and Shab Parisan, and in order to avoid two hidden rocks, the "Avocet" and "Teddington," called after vessels which had been wrecked on them. Two or three months ago he saw wrecks on Zebel Zukur, and other vessels had only got off again by throwing overboard their cargoes. Formerly, of course, the Red Sea was not much navigated; but since the opening of the Suez Canal, it had become of the greatest importance that it should be properly surveyed and lighted. As a matter of fact, but a very small portion of it had been properly surveyed. Though on the map it looked broad enough, the part surveyed and open to navigation was exceedingly narrow; during the south-west monsoons the cross-

currents were very strong, and haze also was frequent. At the last meeting of the Suez Canal Company it was stated that 3,539 vessels, with a total of 7,700,000 tons, had passed through the Canal last year. He had not brought the matter before the House on his own authority, but his information had been supplied by three captains commanding some of the largest vessels passing through the Canal of the extreme danger to navigation from the existing state of things, and he had been requested to bring the matter to the attention of Her Majesty's Government. The difficulty in the way seemed to be that these rocks were claimed by Turkey, and that, consequently, the Egyptian and English Governments had not yet been able to erect the necessary lights. But now that the Red Sea had become so important a maritime highway he hoped Her Majesty's Government, in concert with others, would bring all legitimate influence to bear upon the Turkish Government, to induce them either themselves to erect light-houses at the points mentioned, or else to consent to stand aside and permit some other Power to do so. He trusted the Government would be able to give a satisfactory reply to the question.

***LORD SUDELEY** was very glad indeed that the noble Earl had called attention to the dangerous navigation of the Red Sea, owing to the absence of light on the rocks known as *Jebel Teir* and *Abu-Ail*. This question had for a long time been considered of immense importance by all the Steamship Companies whose vessels pass through the Red Sea. In the middle of last year a proposal was made by the Board of Trade for an alternative route by the *Hanish Islands Channel*. This proposal was considered very fully by the various Steamship Companies; and, after taking evidence of the best experts and captains in the trade using that route, a very large consensus of opinion was given that the present route, even without lights, would be far better than the *Hanish Islands* route. It was of enormous importance that in the southern part of the Red Sea, where a very large number of ships pass by day and night, often in very foggy weather, the peril which had existed for so long should be done away with by lights being placed at *Jebel Teir*, at *Abu-Ail*, a lightship on the *Mocha shoals*. It

was stated, he did not know with what authority, that the reason this, so far, could not be done was that Turkey had involved herself in an unfortunate complication with a French syndicate, so that, except at an enormously high cost, which would necessitate a prohibitive toll upon ships, the lights could not be put up. He understood that in the Turkish proposal for the erection of these lights it was actually suggested that a sum of no less than £48,000 annually should be levied on shipping, in addition to what was now being paid by the shipping trade to the Egyptian Government, to defray an outlay of at the outside from £25,000 to £30,000 to build and complete these lights. In connection with this matter the whole question of the lights in the Red Sea was opened up, as there was no doubt that especially at the present time shipowners could ill-afford to stand the heavy charges imposed 20 years ago when the lights were erected. At that time freights from London to Bombay were £10 to £5, whereas they had now gone down from 25s. to 15s. Goods could now be sent from Manchester to London, a distance of only 200 miles, at the same price that they could be carried from London to Bombay, a distance of 6,500 miles. No less than £60,000 a year profit was derived by the Egyptian Government from the lighthouses. The P. and O. Company, with which he was connected, had paid during the last five years no less than £30,000 to the light-houses, a sum utterly and entirely in excess of what ought to be paid and of what would be demanded in any other part of the world. It was believed that no less than £22,000 of that amount was clear profit. As the finances of Egypt had become so satisfactory, he trusted that this question of the lighting of the Red Sea might now receive attention, and that the Government would enter a formal protest against the continuance of these heavy payments.

***LORD PLAYFAIR** said, that the Government had long known the dangers to which the noble Lord had drawn attention. A correspondence upon the subject with the Foreign Office had been going on since 1881, in which year the Turkish Government gave a concession to a syndicate or company to erect 23 lights, principally local, only three or four being in the fairway of navigation for

large vessels passing through the Red Sea. The lights which were essential to making the navigation safe were in the lower part of the Red Sea, but the onerous demands of the persons who had received the concession made it impossible for us to treat with the Turkish Government as to the amount which should be paid for the lights if erected. A meeting of the great Shipping Companies with the Board of Trade was held recently, and an alternative route was suggested, but the companies did not care to adopt it. They wished to go by the present route, but they were not at all willing to pay the onerous sums which the concessionaires of the Turkish Government demanded. They said that they would rather incur the present risks. With regard to the light dues paid to Egypt, there were at present no funds available for dealing with them; but when the new tariff was sanctioned, a sum might be liberated for the purpose, and that fact had been kept in view by the Foreign Office. Both the Foreign Office and the Board of Trade were alive to the importance of the subject, and were anxious to come to terms with the Turkish Government, but they were not prepared to sanction the onerous terms which the concessionaires demanded.

THE BRITISH RESIDENT AT RAROTONGA.

THE EARL OF ONSLOW rose to call attention to the position of the British Resident at Rarotonga, in the Cook Islands: and to move—

"That the British Resident in those Islands ought to be appointed solely by the Imperial Government, and be responsible directly to Her Majesty through one of Her Principal Secretaries of State; and also to move for correspondence respecting the administration of the Cook Islands laid before the General Assembly of New Zealand, 1891."

He said these Islands were seven in number and occupied 180 square miles of ocean. They formed the gateway to the Eastern Pacific south of the Equator. All the other Islands in the neighbourhood either belonged to France or were under French influence. The Islands were ruled over by three Queens. The population in 1888 was estimated at 7,300. For two years after the declaration of Protectorate, in 1888, the Islands were left without the appointment of a Resident. The foreigners of all kinds

inhabiting the Islands numbered about 50. The Islands had been well-known to missionaries for the last 70 years. On October 27, 1890, Mr. Moss, Member of the House of Representatives for Parnell, a suburb of Auckland, and formerly Provincial Treasurer for Otago, author of a book on the Pacific Islands, was nominated British Resident. Disturbances having arisen at Mangaia, one of the Islands, he (Lord Onslow) being then Governor of New Zealand, thought it advisable to send Mr. Moss at once, in an unofficial capacity, pending the arrival of the formal appointment, to report on the condition of the Islands and to receive instructions. On his return he reported that the people were a most interesting race, that the missionary influence had existed in the Islands for 70 years, and one of the missionaries had been 25 years in the group. It was the missionaries who made the law of the country. Church membership was indispensable for public life, from the King to the policemen. Of these there were 155, or one to every 12 of the population. Punishment was inflicted in the shape of a fine, involving the suspension of Church membership, the fines being paid to the policemen. Church suspension meant what was called nearer home "boycotting" and liability to imprisonment. Criminals were termed "filth from the irons" till their peace was made with the Church. Fines were generally paid by the natives; but Europeans, called "papaas" in the vernacular, might sin and the fines could not be collected. They led the islanders to believe that they each had a man-of-war more or less at command when wanted. One European, fined 15 dollars, paid instead a box of matches, a bar of soap, and some calico eaten by rats, which the Queen was forced to accept; but when her own cousin was fined 5 dollars and could not afford to pay, the Church officials took his boat, although it was his only means of livelihood. The offences were moral as well as secular, and many of them such as would be regarded as offences only *in foro conscientie*. For sorcery there was a fine of 5 dollars; visiting a village other than one's own on Sunday entailed a fine of 5 dollars; if a man cried for a dead woman who was not related to him the fine was 15 dollars. If a man put his arm round a woman's waist in the road

at night and had a torch in his hand he was to go free; if he had no torch he was to be fined 10 dollars. These fines were divided among the policemen, and in the hunt after subjects for them the policemen entered houses by night and extorted confession from women by torture. Girls were shut up in dark holes with little or no clothing, exposed to the attacks of mosquitoes. Mr. Moss found three policemen mounting guard over six girls imprisoned in one of these holes. Another practice was to make them stand on a 4in. drumhead for long hours, with their hands raised over their heads holding a stick, any lowering of which brought a sharp rap on the elbow from the policeman's cane. In all the Islands the rulers complain bitterly of the importation of strong drink of foreign manufacture as the only thing that gave them great trouble. The importation of drink was totally prohibited by a law of 1888, but it fell stillborn from the press in which it was printed. When Mr. Moss first visited the Island there were 19 houses open for the sale of drink at all hours of the day and night. In the ordinary course of business 14 casks of rum were landed on the same day that Mr. Moss landed. Mr. Moss called a meeting of the principal Chiefs, with a representative elected by the European residents, to discuss the position of the liquor traffic. The natives were unanimously against prohibition, which it had been found impossible to enforce, and in favour of restrictive permission to sell liquor, but more especially were they loud in their desire that the "papaas" should be under the same laws as the natives. After an adjournment for the European representative to consult his constituents, it was decided that, with only two dissentients, some permissive law should be brought into force. On the return of Mr. Moss to New Zealand he received his formal appointment as British Resident; and he (Lord Onslow) wrote a Despatch on which Mr. Moss was to act as British Resident. In this Despatch he said—

"You should be careful, as far as possible, to avoid interfering with the natives in their legislation. Their present laws seem to be founded on Christian principles of morality, and their infringement involves spiritual as well as temporal penalties; and you should endeavour to keep the two classes of punish-

ment distinct, by insisting yourself on the punctual payment of all fines, both by natives and foreigners, and leaving the infliction of spiritual punishment to the members of the Church. In the Arikis (they were the nobility) you already have the germ of a Representative Legislative Body, which you should encourage in every way, and of which you should, whenever possible, increase the representative character."

Acting upon that Despatch, Mr. Moss went through the Islands and assisted in establishing a system of Home Rule, each with a Central Federal Parliament, of which the three Queens were to be *ex officio* members. The Islands were each under different forms of government. In one the Queen and nobility enjoy a system of feudal tenure with claims to the services of the common people. In another the King is in the position occupied by the Mikado of Japan before the revolution, and although acknowledged Sovereign he was kept in honourable confinement while the acts of government were executed in his name. In a third the government was administered by a number of Governors who claimed to be of the Royal Family, but in whose power the selection of King rested. Mr. Moss went around all the Islands assisting them to establish Local Councils for the expenditure of the Federal grant and for making such regulations as were found possible for the government of each Island. At one he found the Municipal Council was composed only of those who could boast Church-membership, and that the Ungas, or hermit-crabs—so called because they occupied land not their own, but belonging to the nobility under a feudal system—were entirely excluded. Under the revised system inaugurated by Mr. Moss two members were to be elected by the Chiefs, two by the landed gentry, and two by the hermit-crabs. Mr. Moss, besides these political reforms, had taken measures to control the liquor traffic, and had done other good work. The result had been most satisfactory, and Mr. Chaworth, a most active missionary out there, had borne testimony to it. Various circumstances, however, and among them the insufficiency of his salary of £300, had tended to reduce the power and influence of the Resident. Consequently, as the authority of the Resident could only be enforced by the presence of a British man-of-war in case of any difference arising between him

and the native authorities, he hoped their Lordships would agree with him in thinking that the time had come when the Imperial Government should accept responsibility and make the British Resident responsible direct to one of Her Majesty's Secretaries of State. The trade of the group with Australia also had increased, and Mr. Moss gave hopes that it would become important. The people were well satisfied with him, and did not wish any change. Finding his salary of £300 insufficient, he requested the New Zealand Government, who appointed him, to appoint a Committee to inquire and report whether they would make proper provision for him or would withdraw the British Resident altogether; but nothing was done in the matter in consequence of the death or retirement of members who had taken an interest in the matter. None remained who did so sufficiently for it to be dealt with properly. Their Lordships would no doubt think that an Imperial officer should be appointed in the Islands who would be able to protect British interests there. He hoped, therefore, he should receive a favourable reply to the Motion from the noble Marquess who represented the Colonies.

Moved—

"That the British Resident at Rarotonga, in the Cook Islands, ought to be appointed solely by the Imperial Government, and be responsible directly to Her Majesty through one of Her Principal Secretaries of State."—(*The Earl of Oulour.*)

*THE SECRETARY OF STATE FOR THE COLONIES (The Marquess of Ripon): If your Lordships were not generally well acquainted with the history and condition of the Cook Islands before my noble Friend addressed you, I am quite sure, after the interesting and graphic speech we have just listened to, you will understand the position of affairs in that part of the world. The noble Earl, with full knowledge of the case which he has acquired in the official position he recently held, has given us a very clear account of the condition of a people who seem to me to be well deserving of our sympathy; and when the Papers are laid on the Table, I would advise those who feel any interest in the Islands to read them, and see the statements there made. I agree with the remarks of the noble

Earl as to the history of the case, and especially in regard to the services of Mr. Moss, who has certainly discharged his duties in the Islands extremely well, and is doing a good work among the people. I cannot, however, agree with the noble Earl in thinking that a system under which such an excellent work is being done requires alteration. It must be borne in mind that Mr. Moss was practically selected by the Government of New Zealand, though, of course, he was formally appointed by the Imperial Government. The noble Earl says that Mr. Moss is inadequately paid, but that is the affair of New Zealand. The Imperial Government did not of themselves take over the Protectorate of the Islands. In 1864 or 1866, when Lord Cardwell was Secretary of State for the Colonies, the islanders requested that the Islands should be annexed to the British Empire. Their request was refused, and it was again declined when made at a later period, but in 1888 or 1889 the New Zealand Government came forward and pressed the Imperial Government to undertake the protection of the Islands on the ground of the interest which they had there in trade and commerce; and it was then only that the British Government consented to it on the distinct understanding that New Zealand undertook to pay the expenses involved and bear all the pecuniary burdens of the Protectorate. The noble Earl has shown no sufficient reason in the statements he has made why the course then adopted should now be departed from, why the arrangement of three or four years ago should be upset, and why the Islands should be placed under the control of a Secretary of State at the cost of the Imperial Treasury. This might have been done three or four years ago; but to now withdraw the Islands from the general control of the New Zealand Government would, I believe, be a step that would be regarded as disagreeable, if not offensive, by that Government. If Mr. Moss is inadequately paid I hope his case will be considered by the Government of New Zealand, and that they will do whatever they deem right in the matter; but I cannot think your Lordships would upon that ground alone upset an arrangement which has been made with the Colonial Government upon an understanding which has been distinctly agreed to by

them. My noble Friend alluded to other matters connected with New Zealand politics, but I do not think it convenient that I should enter upon them at the present moment. I do not admit altogether the accuracy of the mode in which my noble Friend described them, and I think if any discussion comes up on them I shall find a not reluctant ally in my noble Friend (Lord Knutsford) opposite.

***LORD KNUTSFORD** : Perhaps, as I had the honour of appointing Mr. Moss, I may be allowed to express my entire concurrence in the praise which has been given him for the work he has done. That work appears especially deserving of approbation in the two following respects : first, for introducing a sound system of simple law into these Islands where formerly there prevailed those somewhat extraordinary customs to which my noble Friend has referred ; and, in the second place, for stopping the frightful amount of drinking which went on among the islanders. On those two grounds alone I think Mr. Moss is entitled to our highest praise. But I quite concur in what my noble Friend opposite has said : that there is no reason now why the arrangement which has been entered into should be altered. It is, in the first place, rather a dangerous thing to break up an arrangement which was undertaken at the earnest request of the New Zealand Government, that these Islands should be placed under the protection of Her Majesty upon the distinct understanding that the New Zealand Government were to pay for the Resident. To that they agreed ; and certainly while I was in office I never heard any protest on their part against paying this gentleman, or of any desire on their part to alter the arrangement. On the contrary, as far as I know, they are quite satisfied with it, and with the hold which they have over the Islands, for of course the New Zealand Government can exercise a much more effective and satisfactory control over them than we could at this great distance. I concur entirely, therefore, in what the noble Marquess opposite has said, and also in demurring to the statement that my noble Friend made about the action of Lord Glasgow, and the orders that were given him from home in the matter of nominating to the Legislative Council ;

The Marquess of Ripon

but I agree this is not a fitting time for going into it.

***THE MARQUESS OF RIPON** : I shall be happy to give the noble Earl the Papers for which he asks ; but they are voluminous, and the interest in the subject is not, I am afraid, very great. I think, therefore, it would be sufficient, without incurring expense of printing, that they should be laid upon the Table of the House and placed in the Library, where they will be available to Members of this and, by courtesy, of the other House of Parliament. If the Press or any other persons interested wish to see them they will be at the Colonial Office, where free access will be given to them.

THE EARL OF ONSLOW said, that after hearing the statement of the noble Marquess he would not go to a Division on the first part of the Motion, but would confine the Motion to the latter part, referring to the production of Correspondence, which he understood would be agreed to. He was not without hopes, after what had fallen from the noble Marquess, that his object would be attained, sooner or later, of the New Zealand Government putting the Resident in a different position and enabling him to properly represent a great Empire. He trusted the noble Marquess would exercise his influence in that direction, and that the existing arrangement would continue with advantage to this country, and to the Islands themselves.

Motion (by leave of the House) withdrawn.

Then it was moved—

“That an humble Address be presented to Her Majesty for correspondence respecting the administration of the Cook Islands laid before the General Assembly of New Zealand in 1891.”
—(*The Earl of Onslow.*)

Motion agreed to.

BURGH POLICE (SCOTLAND) ACT (1892) AMENDMENT BILL.—(No. 95.)

REPORT OF AMENDMENTS.

Amendments reported (according to Order).

***LORD PLAYFAIR** said, he had one or two small Amendments to make on the Report. They were intended to carry out a suggestion which had been made in Standing Committee by noble

Lords opposite, in reference to the views of neighbouring burghs being considered before action was taken in converting places into Police Burghs.

Verbal Amendments agreed to; and Bill to be read 3^d on Monday next.

PLACES OF WORSHIP (SITES) BILL.

(No. 96.)

SECOND READING.

Order of the Day for the Second Reading, read.

***LORD BELPER** said, there were already two Acts, referred to in the Preamble of the Bill, which gave power to the owners of limited estates to sell parts of entailed estates under certain restrictions for the purposes which were included in the present Bill. This Bill, however, went further, and provided that where the consent of the landlords to sell sites could not be obtained, and there were no other sites available in the neighbourhood, then, under certain conditions, sites could be taken otherwise than by consent. As to the machinery of the Bill, it was provided that a requisition in writing must be served on the owner and occupier of the site required. The requisition must be accompanied by a plan of the site and bearing a reference to the Ordnance Survey, and must state the religious denomination for whose use the site was required, and also the names of the trustees to whom the site was to be conveyed, and must be signed by at least 20 inhabitant householders resident in the parish in which the site was situated or within a radius of two miles from such site. After the expiration of six months a Memorial might be sent to the Local Government Board praying that an Order might be made for the acquisition of the site. The Memorial was to be signed by two or more of the persons who signed the requisition, and was to be accompanied by such requisition. The Board were then to take the Memorial into consideration, and might either dismiss the same or direct a local inquiry to be held. If they were satisfied that a case had been made out they might make an Order for the acquisition of the site or any part of it, with or without conditions. In determining the matter of the Memorial the Board were to have regard to all the circumstances

of the case, including the ability or otherwise of the Memorialists to obtain some other suitable site by agreement, and they were also to consider whether any undue injury would be caused to other property belonging to the owner or occupier of the site. The amount of the purchase-money, if not agreed upon, was to be determined by arbitration under the Arbitration Act, 1889. It was also laid down in the Bill that in case the land conveyed under it should cease to be used for the purposes for which it was conveyed, the original owner might obtain such land upon payment to the trustees of a sum to be determined by agreement or arbitration. As to the necessity of this measure, a good many cases had been quoted where sites could not be procured by private agreement. He did not say that there would be a very large number of places to which this Bill would refer; but he had a list of places, for instance, in Wales, which he believed was authentic, showing the necessity for such a measure as this, in which there had been a difficulty in obtaining sites, and in many of which sites had been absolutely refused. Evidence on the subject had been given in 1880 before the Town Holdings Committee by gentlemen resident in Wales, and that Committee stated in their Report that it was most desirable on public grounds that all Religious Bodies should be enabled to obtain a secure tenure for their places of worship. On one estate application had been made for a piece of land, and a deputation had waited upon the owner more than once; but the application was refused, although the parish church was two miles away. On another estate the owner had warned his tenants not to give any board or lodging to a minister of a certain Nonconformist body. On another estate, also in Wales, a site for a minister's house had been refused. Their Lordships would agree it was not desirable that any Religious Body, who *bonâ fide* required a place of public worship in their own neighbourhood, should be debarred from getting it, merely from the fact that they were unable to procure the necessary site. On public grounds, and in the interests of landowners themselves, it was desirable that such a state of things should be put a stop to by the Legislature. Noble Lords opposite, in their opposition to the

Bill, were, no doubt, proceeding on the principle that power should not be given to take land without the consent of the owners. Some of their Lordships apparently believed that the Bill was based on a new principle in reference to such purposes; but the principle of the Bill was not a new one, for there had existed on the Statute Book an Act which gave precisely the same powers to the Church of England as were now asked for on behalf of other Religious Bodies. That Act had the sanction of the present Members of this House, for in 1887 a Bill was introduced to repeal it; but that Bill, although formally read a second time, was never allowed to go further, and was rejected with very scant courtesy. He believed it to be the case, however, that that Act had only been enforced once; but the circumstance that it had been so seldom used was, perhaps, partly due to the fact that most of the land in the country was in the hands of members of the Church of England, who were only too happy, if the necessity arose, to give land without any compulsion; it was also in a great measure, no doubt, due to the existence of the compulsory powers which might be called into force, so that the landlords had strong reasons for complying with the declaration of the Legislature, and giving the land required, without rendering it necessary to call the compulsory powers into force. That, he believed, would be the effect of this Bill, and he considered that in very few cases would it be found necessary to put it compulsorily into force. This Bill had been before the House of Commons for a great many years. Last year, when the late Government was in power, it had been read in that House a second time without a Division, and the principle affirmed. This year, again, it was accepted as an unopposed Bill. It was necessary to refer to that, because he thought the present form of the Bill, giving power to the Local Government Board to hold the inquiry, was a matter of arrangement between both sides of the House; for while in the original Bill the power was given to the County Councils, the Bill was allowed to pass unopposed, on the understanding that the Local Government Board should be called in as the Body to whom the matter should be referred. He thought their Lordships would find that

Lord Belper

the provisions of the Bill had been carefully considered. An attempt had been made to safeguard the powers from any abuse, and to guard as far as possible the interests of the landlords when the power of compulsion was used in taking the land. He believed that there was a necessity for the measure, and that its provisions would be found to give due security to all concerned. The principle of the Bill having already been sanctioned by Parliament, he ventured, with some confidence, to ask their Lordships to give it a Second Reading.

Moved, "That the Bill be now read 2^a."
—(*The Lord Belper*.)

***LORD STANLEY OF ALDERLEY**, in moving "That the Bill be read a second time that day three months," said, this Bill provided that 20 householders residing in a circle of four miles diameter could claim any site they pleased. This was a very large area, exceeding that of most parishes, and one which might extend into several parishes. In so large an area 20 signatures could easily be collected from persons not really interested in the place of worship proposed. Two miles was a long distance to go, and, in many cases, it was the cause of people going to chapels rather than to the parish church. The payment for these sites was to be fixed by arbitration—a very expensive method—instead of by valuers appointed by the Government. If the site were abandoned, the value of the buildings put up was also to be the subject of arbitration. This provision would open the door to speculative builders obtaining sites and putting up jerry buildings for the purpose of obtaining compensation. There was no definition of public worship; so that persons who entirely repudiated the necessity of public worship, such as Positivists and Secularists, might claim sites under this Bill, for they appeared in a list of registered places of public worship. There was no reason why the ministers of all the Dissenting sects should be privileged to have sites for houses provided for them under market value by Act of Parliament, for the clergy of the Church of England had not got, and had never asked for, this power to purchase sites for houses without consent; and, if this Bill passed, neither they nor the Roman Catholic clergy would wish to avail themselves of

it. He asked their Lordships to reject this Bill, as it was a measure of confiscation, undisguisedly an electioneering measure, and a thinly-veiled attempt at endowment of Dissent out of the pockets of private individuals; and because there was no necessity for it. It was admitted that all compulsory sales were sales under the market value; and, to justify such compulsion, it would be necessary to show that it was required for some great public benefit or exigency. Such a measure had never been asked for by the clergy of the Established Church, although there were a large number of them who even now had no residences. Among the benefices of under £200 a year net, in the four Dioceses of Norwich, Ely, Peterborough, and St. Albans, and in the gift of the Lord Chancellor, there were 284 clergy still unprovided with houses. It was true that there was an Act for the compulsory acquisition of sites for churches; but this Act had only once been put in force at Birmingham, and it was to the credit of the Church of England that it had been more scrupulous than the law. Nor was this all. Of late years Churchmen had brought in Bills to repeal this Act, as being contrary to the freedom of the age in which we live; but the Dissenters had constantly blocked those Bills in the House of Commons for their own purposes, either to keep a grievance, or as a basis for the Bill now before the House. The times were altered, and unscrupulous men would put claims into a Bill, which individuals would not venture to entertain or to formulate amongst one another; and, because such immoral pretensions were framed in Parliamentary Bills, ignorant people were demoralised and led to believe that things wrong in themselves could be made right by Act of Parliament. The Preamble of this Bill could not be proved—there was no expediency, still less necessity, to endow and foster Dissent. Dissent implied and involved dissension, and it was no part of the duty of that House to do anything which would contribute to increase or make permanent the divisions amongst our countrymen. There was no necessity for this Bill, for there was hardly a parish in England which had not got more than one chapel and a residence for the minister; most of them heavily in

debt. In Anglesey, chapels were much more numerous, and there was one in every hamlet. This Bill would have the effect of multiplying chapels and sects, and of increasing the grounds for the sarcasm against this country of its possessing "one sauce and 50 religions." Since Voltaire said that, the number of sects, if not religions, had grown to 260. There were no less than 14 divisions of Baptists alone; Baptists pure and simple, General, New Congregation, Particular, Seventh-Day, Open, Strict, Unitarian, Calvinistic Baptists, and others. He should like to know on behalf of which of these sects the noble Lord was pleading for sites for their Dissenting chapels? The more absurd and extravagant of these sects—such as Irvingites and Muggletonians—had died out; and now that the religious spirit was dying out of Dissent there was no reason for playing into the hands of political Dissenters. Many of the more conscientious and religious members of the Nonconformist Body had publicly bewailed the decay of religion amongst them; and that fact was proved independently by the way the Nonconformists had abandoned the cause of religious education in the elementary schools. This Bill was not so bad in its drafting as that for the Enfranchisement of Sites; but the method of valuing land by arbitration was fully as bad as by submitting valuation to a County Court Judge. Arbitration was not only unsatisfactory, but also excessively expensive—the expense in a case he knew of was four times the amount of the award. Government valuers would be far preferable to arbitration. There were some persons who objected strongly to the Enfranchisement Bill, yet who looked with more tolerance on this Bill, which was as bad in the way of confiscation. If, however, this Bill were passed, all the effects of the Enfranchisement Bill would be obtained; for an existing chapel would only have to ask for a little more land under this Bill in order to become enfranchised. The Enfranchisement Bill violated contract, and would give to those who were dishonest enough to avail themselves of it, land leased to them at nominal rents, at a value far below that of the market. The Bill now before the House would have the same effect as far

as concerned violation of contract, and would also have the bad effect of increasing the number of chapels and encouraging Dissent. He had said this was an Electioneering Bill, and it was only part of the attack made by a few Radical Members of the House of Commons, who did not really represent the Welsh counties they sat for, upon the Church and other institutions. It was well known how much Mr. Gladstone guided himself by what was called the Nonconformist conscience; but it had not been yet conclusively proved whether that conscience had been seared by Mr. Gladstone, or whether he had been perverted by following its dictates. It was certain that this conscience was of a very elastic nature, and would swallow a great deal, as was shown by these two Bills respecting chapel sites. He would conclude with a story which bore upon the subject of the Bill. A chapel had been built, he did not know where, but it was said to be in Cheshire; and the people of the chapel told a stonemason to engrave upon the date stone the text "My house shall be called the house of prayer." The stonemason, being doubtful of his spelling, consulted his Bible, and engraved the whole verse, which ends: "But ye have made it a den of thieves." He did not believe this was at all applicable to that chapel, but it might be engraved upon the chapels habitually frequented by the promoters of these Bills, including his noble Friend who had moved the Second Reading. He moved that the Bill be read a second time that day three months.

Amendment moved, to leave out ("now") and add at the end of the Motion ("this day three months").—*(The Lord Stanley of Alderley.)*

*THE CHAIRMAN of COMMITTEES (The Earl of MORLEY) would not oppose the Second Reading of the Bill, but pointed out that in the first place, in spite of what had been said by his noble Friend, it did contravene the principles on which land was given compulsorily for public purposes. With one small exception with regard to draining land, no power was given to take land compulsorily for any purpose whatever except by Parliament. That power was given either by Bill or Provisional Order introduced by a Public Department. It was possible the Church of England had powers already under
Lord Stanley of Alderley

the Church Building Sites Act; he had only had time to refer to the Acts, but apparently these powers referred to building churches in populous places, and it was admitted that they were not enforced, which was, after all, the important point. He fully admitted, with the noble Lord, that it was extremely inconvenient that the bigotry or narrow-mindedness of any individual should render it impossible for any religious denomination to obtain sites for buildings for their public worship; but their Lordships must be careful not to create injustice. He protested strongly against the way in which the Bill was drawn, containing, as it did, references to past Acts extending over many years. It was impossible for any Member of that House, and difficult for any Court of Law, to interpret an Act drawn in that way by reference to a number of other Acts, and the purposes for which powers were sought should be defined in the Bill. Again, there was no restriction as to the definition of a religious denomination; and unless a clear definition was arrived at they might find that sects would take such advantage of the measure as to make the building a nuisance to the persons from whom the land was taken and the neighbourhood. Another point to which he would direct attention was the introduction of the words "undue injury" in the 7th clause. He thought the word "undue" was superfluous and should be omitted. He was unwilling to oppose the Second Reading, but thought the Bill would require very careful consideration before it was allowed to become the law of the land.

*THE MARQUESS OF SALISBURY: My Lords, I very much agree with the noble Lord who has just sat down that the Bill has not been by any means carefully drawn, but that it ought not on that account to be resisted on the Second Reading. The precedent that was quoted of the Church of England was undoubtedly a strong one, though the Church of England has never taken advantage of the powers conferred upon her; and on more general grounds I am inclined to think that if you give compulsory powers to enable people to have more rapid locomotion, or to obtain cottage gardens that they wish, it is not very easy to say that religious worship is not a necessity as imperious as the other two requirements. Therefore, I am not

opposed to the principle of the Bill ; but, having gone that length, I am bound to say that it is the worst drafted Bill I have ever seen, and I hope, therefore, that we shall deal very carefully with it in Committee. In the first place, there is a Preamble—and we know in these days that a Preamble is of great importance—which refers to Acts passed for making provision for the grant of sites for places of religious worship “and other similar purposes.” Will the noble Lord tell me what is a similar purpose to religious worship ?

THE EARL OF KIMBERLEY ; A burying ground, perhaps.

THE MARQUESS OF SALISBURY : I believe what it really means is a house for the clergyman ; but it is straining the English language rather to say that providing a drawing room, dining room, and kitchen for the clergyman’s residence are purposes similar to religious worship. When we come to the 3rd clause, we find it says that—

“The provisions of this Act shall extend to any of the purposes of the principal Acts, except the acquisition of a site for a burial place, and the provisions of this Act and of the principal Acts shall also extend to the acquisition of land for the enlargement of any site acquired or to be acquired for any of the said purposes, with the like exception.”

That will clearly require some limitation, or it may be extended to giving very excessive power to persons wanting to enlarge their sites. Then I cannot help observing that no guidance whatever is given to the determining authority as to the circumstances which should weigh with him in determining whether the site should be granted or not. You would have imagined that the Bill would have directed him to have regard, in the first instance, to the necessity for a particular denomination having a religious building—to the fact whether no other religious building was near, to the fact of the religious denomination being of considerable size, and to the possibility of obtaining such a site by private contract. But those things were not given as subjects which the determining person is to take into consideration.

*LORD BELPER pointed out that the Proviso with regard to getting another site was in the Bill—that the Local Government Board should have regard to the ability, or otherwise, of the Memorialists to obtain a suitable site by agreement.

*THE MARQUESS OF SALISBURY : I did not perceive what “or otherwise” meant. But “ability or otherwise” is of the kind of English which is due to the noble and learned Lord opposite, and I think we might amend that in Committee. Then when we come to the arbitration—why is the Land Clauses Act not put in ? There is no intimation of the principle on which the arbitration is to be conducted ; the reference to the Act is merely with regard to procedure. But all the provisions of the Land Clauses Act for the alienation of land, which have been acted upon for half-a-century, are entirely set aside ; and no guide whatever is given to the arbitrator by which he can determine what the value of the land is. There are several other objections, but they are all cast into the shade by the pre-eminent objection that for the first time Parliament is asked to give to an authority other than itself the right of taking land from British subjects, except that drain-pipe provision which I was not aware of. For no other purpose, except that of laying drain-pipes, is any lesser authority than Parliament invested with the power of taking a man’s land from him against his wish. I certainly should resist so dangerous an innovation ; and if I were to give it to anybody, I should certainly hesitate to give such a power to a Public Department. It is the strangest proposal that a Public Department should have the power, without appeal or giving any reason for its action, of taking a man’s land away against his will, and that without any limitation as to the situation where the place of worship is to be put. It might be built outside a man’s drawing room window for all the Act says to the contrary. And a Public Department, as the noble Lord well knows, is not an impartial body. It is a body of very excellent and skilled Civil servants, governed by a politician. The Local Government Board has existed for some 20 years. I do not know much of its internal machinery, but I know that it has been governed again and again by men of very extreme political opinions ; and this is a matter upon which political and polemical controversies would be raised, and very bitter feelings might be very often excited. If you were to sanction the innovation of giving to a Public Department, or to any authority less than that of Parliament, the right to alienate a man’s land, surely

you would not vest that power in political men, who, whatever the integrity of their character may be, yet by the nature of the contests in which they are involved must be deeply biased in cases in which their action is called for whenever political and polemical controversies are brought up. These are very serious difficulties and objections to the Bill. Having said so much against it, I ought to mention one thing on the other side—that the reservation of the minerals to the landowner is, of course, a very proper provision; but, at the same time, the liberty to the owner to go upon the land would produce a curious state of things if there happened to be a gravel bed discovered under the chapel. I do not see how the Bill as at present drawn is to work, but still I think it might be read a second time, and I earnestly hope my noble Friend will not divide against the Second Reading, for I think the opinion of the House is against him.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of KIMBERLEY): My Lords, I simply wish to say that I quite agree with the noble Marquess opposite that the principle of this Bill is one which ought to be accepted by this House. I think the noble Marquess put it upon the right ground when he said that we have already sanctioned the compulsory acquisition of land for a variety of public purposes, and I do not think we should say that this purpose is inferior in any respect to others with which we have dealt in this way. That seems to be conclusive for accepting the principle of the Bill. With regard to the working of the Bill, I do not like to say much. My noble Friends have pointed out a good many defects in it, and I think there is much in some of the objections. It is obvious that it might be stipulated that the memorialists had not a place of worship for their own denomination within a reasonable distance of their homes. It seems to me that that is a very serious defect. While I entirely approve of legislation in the direction of this Bill, I can see difficulties in it to be solved, if possible, in Committee. One of those difficulties, and not the least of them, is that there is no definition of a religious denomination, and I am not sure whether there is any mode of completely getting over that difficulty. In the

The Marquess of Salisbury

general principle, that the power of compulsory acquisition ought to be left to Parliament, I quite concur; but, at the same time, the obtaining of even a Provisional Order is a cumbersome proceeding for such a purpose as obtaining a site for a building. The operation of these Acts, especially of the Allotments Act, requiring the consent of Parliament has practically nullified the compulsory powers altogether. I do not know whether any satisfactory mode may be found of avoiding that difficulty; but, on the other hand, it is a very fair objection that there is a danger in entrusting powers of this kind to a Government Department. I hope, when the House considers the matter in detail, it will find some satisfactory mode of dealing with these objections and of working out the details of the question; but I am satisfied that upon public grounds all who are interested in that which we all admit to be the right of our fellow-subjects will agree that its exercise should be rendered more easy—that is the right to exercise public worship according to the religious tenets which they hold.

*LORD BELPER, in reply, said, he was not disposed at this stage of the Bill to defend its present form against the criticisms which had been made upon it. They would, no doubt, be proper subjects for consideration in Committee. He was informed that the Act referring to the Church of England did not apply only to towns and populous places. As to power being given to the Local Government Board without a Provisional Order being laid on the Table in both Houses, it had been thought that where small sums were dealt with it was not desirable to institute a proceeding which would be very cumbersome and expensive, and in many cases would prevent a site being acquired at all. That also would, of course, be a point to be considered in Committee; but he hoped the Bill would be adopted in some shape which would enable these sites to be acquired.

*LORD STANLEY OF ALDERLEY said, that, after what had fallen from the noble Marquess and the noble Earl opposite, he would withdraw his Motion. He was glad to see the Lord President so much in agreement with the noble Marquess.

Amendment (by leave of the House) withdrawn.

Original Motion agreed to; Bill read 2^a, accordingly, and committed to a Committee of the Whole House on Tuesday, the 20th instant.

IRISH LAND COMMISSION (PURCHASE OF LAND (IRELAND) ACT. 1891.)

*THE EARL OF BELMORE rose to move—

“That the Return under the Irish Land Commission (Purchase of Land (Ireland) Act. 1891), laid before the House on the 1st instant, be printed.”

He said the first annual Return under the Land Purchase Act, 1891, was not only of interest in itself, but of considerable practical value as showing how the Act worked. Their Lordships would agree that it was not desirable these Returns should be hidden away in the Library; and he understood that the House of Commons had already ordered this Return to be printed, and that it was still in type, and, therefore, no additional expense would be incurred in printing.

THE EARL OF KIMBERLEY: There is no objection.

Motion agreed to.

Ordered, That the Return laid before the House on the 1st instant be printed. (No. 138.)

ROTTEN ROW CROSSINGS.

QUESTION. OBSERVATIONS.

LORD LAMINGTON asked Her Majesty's Government whether, in order to ensure the greater safety of the public, they would make provision for the construction of a subway in lieu of the crossing over Rotten Row at the corner by the entrance to the Row from Albert Gate? He said most persons passing north and south used the crossing at this point—nursemaids with perambulators among others—where, unfortunately, four roads converged, and were sometimes obstructed by the traffic. That it was an especially dangerous spot was shown by the fact that two policemen were kept constantly stationed there, and scarcely a day passed but horses ran away to the peril of pedestrians crossing the Row. A subway could be very easily made owing to the formation of the ground, and he hoped no ideas of economy would prevent the Government taking that reasonable precaution for the safety of the public.

THE EARL OF CHESTERFIELD, in replying, asked for the usual indulgence

accorded to a Member of the House addressing that august Assembly for the first time. He was afraid his answer on behalf of Her Majesty's Board of Works would not be very satisfactory to the noble Lord, who had not, he thought, made out a good case, certainly not one that would justify the Board of Works in spending a large sum of money. Of course, there was some danger at all crossings, but police were stationed there to regulate the traffic. The officials who had been consulted said that a subway at the point mentioned would be ugly at the approaches; that it would be costly; that it was unnecessary, and that if it was made people could not be compelled to use it. In these circumstances he regretted to inform the noble Lord that Her Majesty's Government were unable to accede to his request.

LORD LAMINGTON asked whether the noble Lord had ascertained the opinion of the police about the matter, and obtained information about the accidents at the crossing?

THE EARL OF CHESTERFIELD was credibly informed that not a single accident had ever taken place there.

RAILWAYS (ACCIDENTS AT LEVEL CROSSINGS).

MOTION FOR A RETURN.

LORD LAMINGTON rose to move for a Return

“Of accidents resulting in death at level crossings on railways during the last five years, detailing—

1. The number of people killed;
2. Name of the crossing at which the accident took place;
3. Whether the line was constructed after 1863, and is one which the Board of Trade had powers to compel the removal of the crossing.

Also to enumerate all level crossings over which, contrary to Clause 5 of the Railway Act of 1863, shunting operations are in the habit of being conducted.”

*LORD PLAYFAIR said, the Board of Trade were quite willing to grant the Returns 1, 2, and 3 asked for. But the last would require some alteration, upon which he invited the noble Lord to confer with him. The Board of Trade could not possibly give the information desired in the last paragraph, as it was unlikely the Railway Companies would incriminate themselves; and, also, there was a difference of opinion as to the definition of shunting for

instance, driving a train backwards and forwards at a crossing was not shunting, and there were other operations of a similar kind. Therefore, that portion of the Return would have to be resisted; but the others, with some alteration to make it more effective, would be granted as unopposed.

LORD LAMINGTON accepted the noble Lord's offer, omitting the last paragraph.

Motion agreed to as amended.

SEAL FISHERY (NORTH PACIFIC) BILL.
[H.L.].—(No. 132.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Earl of ROSEBURY): My Lords, in moving the Second Reading of this Bill, it will not be necessary for me to detain your Lordships for more than a minute or two in explaining the causes which have led to its introduction, because the story is practically told in the Papers already on the Table of your Lordships' House. This Bill is substantially on the same model as that passed in 1891, to give effect to the *modus vivendi* with the United States for regulating the seal fishery in that year. There are only three additions to the provisions of that Act which it is necessary for me to mention. The first is to give power to make regulations by Order in Council for seal fishing in Behring Sea and on that part of the Russian North Pacific Coast which is not included in Behring Sea. The second is, in cases where it is not convenient to seize the ship, to give power to seize the ship's papers instead, and to give a certificate, sending the ship to some port, where there is a British Court, to be judged. The third is to make admissible evidence by Her Majesty's officers in cases where it is necessary that the evidence should be made available. As to the causes which have led to this measure being necessary, I need only remind your Lordships that in 1891, owing to the *modus vivendi* with the United States which affected the east end of Behring Sea, the fishery in that part of the sea was suspended and put an end to, and that in consequence there was a great increase of sealing on the west, or

Lord Playfair

Russian, side of Behring Sea. Under these circumstances, in the course of last year there was a certain number of seizures of sealing vessels by Russian ships, made, so far as we can judge, at points very considerably beyond the territorial jurisdiction of the Russian Government. On the other hand, the Russian Government claimed that those seizures were made in what is technically known as "hot pursuit"—that is to say, that the vessels were engaged in sealing within the Russian territorial limits and were pursued red-handed, so to speak, outside those limits and seized. Her Majesty's Government were not satisfied with that state of things, and they made strong representations to the Russian Government, both with reference to the place where the seizures were made and to the harsh treatment which the crews were alleged to have sustained in the Russian ports. We have as yet received no answer to those representations, because the Emperor of Russia referred the whole matter to a Commission specially appointed, and though the Commission has, I believe, sent in its Report to the Emperor, owing probably to the Emperor's absence in the Crimea, it has not as yet been communicated to us. But I do not doubt from the general fairness of spirit which the Russian Government have shown in this matter that they will take timely measures to redress any grievances of which we, on our side, think we have a right to complain. But the mere question of the seizures was not the only question we had to deal with. There was a very strong movement made by the Canadian Government and Canadian fishermen to ascertain under what regulations they would be able to continue the fisheries they had practised in 1891 and 1892 on the Russian coast of the North Pacific, and, in consequence, we addressed a communication to the Russian Government asking what answer we should send which would harmonise with the Russian view, and give the desired information to the Canadian interests. There has been an exchange of Notes, which have been laid upon the Table, and the result of that exchange of Notes is that the Russian Government stipulated that for one year the catching of seals should be prohibited in a zone extending for 10 miles from their own coasts and 30 miles around the Komandorski Island and a

small island which we call Robin Island, and they call something else, and hitherto within the sphere of our operations, in the Sea of Okhotsk. That, on the whole, seemed satisfactory to Her Majesty's Government (and to the Government of Canada, but we did not withdraw our claims, or the Russian Government its reservations. It is, in fact, a temporary arrangement. But there was one point, not altogether small, which led to some difficulty, and that was with regard to the seizure of British ships which might be found illegally sealing within the prohibited zone. What we did was this: It was arranged that Russia should either hand over captured ships at British ports, or seize the certificate of the ship, or else endorse the certificate with the fact of the capture and send the ship to a British port to be judged. I think that, on the whole, is not an unsatisfactory arrangement. It is equitable to both parties and not dishonourable to either. On the other hand, we obtained from the Russian Government a statement in the way of restriction as to the number of seals to be killed on the islands and on *terra firma*. It has been hitherto about 50,000, and the present agreement reduces it to 30,000. I do not know that there is any other point with reference to the present agreement, and I ask your Lordships to give the Bill a Second Reading.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Rosebery*.)

*THE MARQUESS OF SALISBURY: I think, my Lords, it is only necessary for me to say that I heartily support this Bill. It is obvious that the course pursued by the Government is a continuation of the policy pursued by us, and is one which ought to be pursued. We regret exceedingly that owing to pressure of time it was not possible for the late Government to obtain a *modus vivendi* with Russia as well as with the United States. I am glad the noble Earl has obtained it, and I trust it will assist in preserving the happy relations which have hitherto prevailed between the two countries. It is a melancholy thing that the pursuit of marine animals always seems to make ill-blood between friendly nations, and I am glad that in this matter we have avoided any serious results from that cause.

THE EARL OF ROSEBERY: I am reminded by my noble Friend the First

Lord of the Admiralty of one omission—it is that when a British ship is captured it must be sent either to a British port or to some analogous port like Yokohama, where there is a British Court.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Monday next.

ELECTRIC POWERS (PROTECTIVE CLAUSES).

Message from the Commons that they have ordered that the Committee appointed by them to join with the Committee of this House on Electric Powers (Protective Clauses) do meet the Lords Committee, in Committee Room No. 3, at Two o'clock, on Monday next, as proposed by their Lordships.

CANAL RATES, TOLLS, AND CHARGES PROVISIONAL ORDER BILLS.

Message from the Commons that they have ordered that the Committee appointed by them to join with the Committee of this House for the consideration of the following Bills, namely:—

Canal Rates, Tolls, and Charges Provisional Order (Leeds and Liverpool Canal) Bill;

Canal Rates, Tolls, and Charges Provisional Order (Navigation of the River Aire and Calder) Bill;

Canal Rates, Tolls, and Charges Provisional Order (Birmingham Canal Navigations) Bill;

Canal Rates, Tolls, and Charges Provisional Order (Grand Junction Canal) Bill;

Canal Rates, Tolls, and Charges Provisional Order (Warwick and Birmingham Canal) Bill;

do meet the Lords Committee, in Committee Room A, on Monday next, at Two o'clock, as proposed by their Lordships.

PIER AND HARBOUR PROVISIONAL ORDERS (No. 1) BILL.—(No. 117.)

House in Committee (according to Order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Monday next.

PIER AND HARBOUR PROVISIONAL ORDERS (No. 2) BILL.—(No. 118.)

House in Committee (according to Order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Monday next.

COMMONS REGULATION PROVISIONAL
ORDER (WEST TILBURY) BILL.
(No. 104.)

Read 3^a (according to Order), and
passed.

COUNTY SURVEYORS (IRELAND) BILL
[H.L.].—(No. 86.)

Read 3^a (according to Order): An
Amendment made; Bill passed, and sent
to the Commons.

TREASURY CHEST FUND BILL.
(No. 111.)

Read 3^a (according to Order), and
passed.

STATUTORY RULES PROCEDURE BILL.

Read 1^a, and to be printed. (No.
139.)

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 10) BILL.

Brought from the Commons; Read 1^a;
to be printed; and referred to the Ex-
aminers. (No. 140.)

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 11) BILL.

Brought from the Commons; Read 1^a;
to be printed; and referred to the Ex-
aminers. (No. 141.)

House adjourned at twenty minutes
before Seven o'clock, to Monday
next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 9th June 1893.

The House met at Two of the clock.

WEAVER NAVIGATION BILL [*Lords.*]

*MR. BRUNNER (Cheshire, North-
wich) had the following Notice of Motion
on the Paper in reference to the above
Bill:—

"That it be an Instruction to the Committee
to inquire into and report on all matters con-
nected with the constitution, powers, finance,
and management of the Trustees of the Weaver
Navigation and on the provisions and adminis-
tration of the Acts relating thereto, and that
the Committee have power to insert in the Bill
such provisions in connection with all or any of

such matters as in their judgment are expedient.
That the Traders using the Navigation petition-
ing to be heard by themselves, their Counsel, or
Agents, be heard against the Bill, and in refer-
ence to the matters referred to in this Instruc-
tion."

The hon. Member said he was glad
to be able to inform the House that
his Motion would be merely formal.
He was honoured, yesterday, with
the hon. Member for Crewe, by a
conference with his right hon. Friend
the President of the Board of Trade.
The right hon. Gentleman announced to
them, as the result of that conference, his
intention to move the Amendment which
was on the Paper in his name. He was
very much gratified to hear of that in-
tention of his right hon. Friend, because
it would entirely carry out his wishes in
the matter. He never had any intention
of either delaying or endangering the
Bill; and when his right hon. Friend
pointed out to him that the Motion
standing in his name would occupy time,
and involve the preparation of evidence
by the Trustees of the Weaver Naviga-
tion Trust, and said he would move an
Amendment to the Motion, he accepted
the proposal of the right hon. Gentleman
with the utmost cordiality. The con-
stitution of the Trust had been dealt
with three times over by the Board of
Trade—in 1857, 1872, and 1893. Under
these circumstances, seeing that the
matter had been before the House for 36
years, he was sure the House would hold
him justified in the action he had taken
this Session. He expected to hear from
the hon. Member for Crewe that the
Amendment of the President of the
Board of Trade had been accepted fully,
and that this controversy would come to
an end; and when he heard from his hon.
Friend that the Amendment had been
accepted he would ask the permission of
the House to withdraw his Motion. For
the present he moved the Motion. He
had been informed by the legal gentlemen
advising the promoters of the Bill that,
unless the Motion, of the President of
the Board of Trade came as an Amend-
ment to his Motion the matter would
have to be postponed until Monday; but
whether he had been rightly advised or
not he would leave it to the Speaker to
decide.

*MR. SPEAKER: The second In-
struction can stand as a substantive
Motion.

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside): I beg to move the Instruction on the Paper—

"That it be an Instruction to the Committee to insert in the Bill a clause requiring the Trustees to come to Parliament within two years with such a Bill as may enable Parliament to deal with the whole question of the constitution and management of the Trust."

I wish to make it clear that, in moving this Motion, I do not wish to express any sort of lack of confidence in the gentlemen who are at present engaged in the management of the Trust. This matter has been before the Board of Trade several times during the last 40 years, and on each occasion very exhaustive Reports have been made, requiring that the Trust shall be reconstituted. The Trust is a very old one. I need not go into the history of it, but it goes back for nearly two centuries. It is entirely a self-elected Trust. The gentlemen who compose it are the landowners, gentry, and clergy of Cheshire, who do not represent the interests of the trades which the navigation affects. I felt that the Instruction put down by my hon. Friend would occupy too much of the time of the Committee, and would probably result in the Bill having to stand over for another Session. The Bill now before the House is a very important one. Recollect that it is highly desirable for all parties that the Bill should pass this Session. It is urgently needed in the interest of the navigation; and, therefore, I move this Instruction, giving the Trustees two years in order to promote a Bill themselves for reconstituting the Trust, for bringing it more into conformity with modern ideas and interests, and I think I do so with the general goodwill of all parties interested in the matter. I beg to move, Sir.

Motion made, and Question proposed,

"That it be an Instruction to the Committee to insert in the Bill a clause requiring the Trustees to come to Parliament within two years with such a Bill as may enable Parliament to deal with the whole question of the constitution and management of the Trust."—(Mr. Mundella.)

MR. FORWOOD (Lancashire, Ormskirk): From what has been said in connection with this Bill, it might have been supposed it had only a local interest; but I assure the House it is a question of far-reaching importance, and has far

larger consequences attending it than a mere question as between the ratepayers of Cheshire and the Trustees of the Weaver Navigation. Nearly the whole of the salt has to find its way to a seaport through means of this navigation; and when I tell the House that probably the export of salt from Liverpool forms a larger bulk than any other article from that port, the House will appreciate the importance of the question as regards the great seaport of Liverpool. I have no reason to oppose the Instruction of the President of the Board of Trade. That Instruction places upon the Trustees of the Weaver Navigation the obligation to come to Parliament with a Bill that shall raise the whole question of the constitution and management of the Trust within the next two years. That leaves very largely the initiation of any future legislation in the hands of the present Board of Trustees; and, therefore, we may assume that any action they may take under that Instruction will have considered very tenderly their own present interests and the interests of the ratepayers of Cheshire. I want to utter one word of warning in regard to this matter. This Trust, the revenue of which is derived from a large article of commerce, yields in most years a large profit, and that profit is applied in the easement of the rates in different parts of Cheshire. I think the House will agree with me that it is wrong in principle that profits derived from a great national highway should go towards the easement of any particular county of the country. As a matter of fact, 25 per cent. of the dues levied by that Canal are profit—that is, the dues on the whole are 25 per cent. more than is necessary for the maintenance of this navigation, and this profit of 25 per cent. from the dues goes in easement of the rates of Cheshire. My feeling is that that is an improper application of these profits; and in any future constitution of this Board—in any proposals that will come before the House under this Instruction—I hope we shall do away with the payment of these profit dues to Cheshire, and give the benefit of any excess of the present dues over the cost of maintenance direct to trade. I quite admit there may be created on the part of the County of Chester a vested interest in respect of these profits which

it has derived from years gone by. I may speak of an analogous case in the great City of Liverpool. The City of Liverpool had the right of levying dues on the whole of the goods passing through their port. Manchester and other manufacturing districts objected, the matter was brought to Parliament, and a perfectly reasonable sum was given to the Corporation of Liverpool in redemption of that right to levy dues; and I think a similar proposal in regard to the Weaver Navigation, if they have a vested right to this surplus, giving them a sum of money in redemption of that vested right, would be a matter to be fairly entertained by the House. So much as regards the financial part of the matter. Then, Sir, we have this great navigation. It is an important navigation, and I will at once admit that the present Trustees have faithfully and well discharged their duty, and kept up to the times in regard to the improvement of the navigation. But, Sir, it is composed of no less than 90 gentlemen connected with land, as against 15 connected with trade. The right hon. Gentleman stated that the trades—those who used the navigation—would have a good deal to say in regard to the maintenance of the navigation. But, unfortunately, in consequence of the creation of a large Trust, the Salt Union, by which the salt trade of the country almost became vested in the hands of one company, and by reason of some great improvements in chemical manufacture by the hon. Member who spoke first this afternoon, practically there are only two traders who use that navigation—or rather two traders pay 80 or 90 per cent. of the dues obtained in that navigation; therefore, it might be difficult to obtain the management of the Trust simply from the traders' point of view, and I think the management should embrace those connected directly with the salt trade over a much larger area than simply those who produce the salt and manufacture the chemicals. To show the House the anomalous state of things—

MR. MUNDELLA: I am sorry to interrupt the right hon. Gentleman, but I think it is most desirable we should not enter into a discussion like this as to a question which we are only asking shall be brought up before this House within two years. This is simply a Bill for

building two bridges, with an Instruction that within two years the Trustees themselves shall promote a scheme. I think we ought not to anticipate at this stage what that scheme shall be, or criticise it in advance.

MR. FORWOOD: I think, Mr. Speaker, you would have called me to Order if I had been out of Order. This Instruction is not the small matter which the House is asked to believe. This Instruction is to empower the present Trustees to bring to this House a proposal for a new constitution and management, without laying down any line on which that shall be based. Therefore, in speaking on behalf of a large community more interested in this matter than any people in Cheshire, I have a right to urge many matters which ought to be considered by these Trustees when they take into consideration the clause which will be passed under this Instruction. I have one word more to say on this point to show the character, as regards management, of the Trust. At present they charge on this great article of commerce, salt (which is really only worth 5s. a ton to produce) 1s. a ton as dues; whereas in chemicals produced by the hon. Member for the Northwich Division, which are worth £10 per ton, they only charge 8d. per ton. This great article of commerce, salt, and the whole subject requires dealing with in a very drastic manner; and unless the Trustees acting under this Instruction introduce into the Bill a clause dealing with it in a large and liberal manner, I hope the House, when the proper time comes, will not assent to it.

*MR. M'LAREN (Cheshire, Crewe) said, it would be convenient if, on behalf of the Trustees, and also on behalf of the County Council of Cheshire, he stated what their view was as to the Motion of the President of the Board of Trade. The hon. Members for Cheshire would have offered an uncompromising resistance to the Motion of the hon. Member for Northwich, but were perfectly prepared to acquiesce in the Motion moved by the President of the Board of Trade. The House would notice that the Instruction now before it limited the duties of the Trustees to bring in a Bill within two years, so that Parliament might deal with the whole question of the

constitution and management of the Trust; but his hon. Friend the Member for the Northwich Division would have desired also to include the words "powers and finance." These two words were excluded, and, therefore, the Trustees in accepting this Amendment would be bound to bring in a Bill, within two years, revising their constitution — that was to say, the method of election and composition of the Trust; and if that Bill did not meet the views of the right hon. Member for the Ormskirk Division of Lancashire, it would, of course, be open to him to take such steps as might be necessary to enlarge its scope. In regard to the present Instruction, they did not admit it involved upon the Trustees a further duty than he had indicated. The Trustees were undoubtedly the best body to bring in a Bill of that kind. It would not be a desirable thing that any outside party should bring in a Bill to reform their constitution until they had had a fair opportunity of doing it for themselves; and if their methods were not satisfactory, it would go before a Committee of that House, which could put it into such shape as should seem right. He trusted, therefore, that that Debate would not be continued. He was authorised to say for all the other Cheshire Members that they accepted this Instruction; they all agreed to vote for it; and, therefore, when every Cheshire Member was now agreed upon it, he thought the House might venture to pass the Instruction, and not take up further time on the matter.

MR. WHITELEY (Stockport) wished to endorse what had been said by the last speaker, and to protest against the unfair aspect which the Member for Ormskirk had placed upon the question. To every one of his allegations the Trustees had a complete answer, and they considered their position unassailable, ratified as it was by nine Acts of Parliament extending over a long series of years.

MR. SNAPE (Lancashire, S.E., Heywood) said, that in reference to the observations of the right hon. Member for Ormskirk, he was of opinion that the constitution of this Trust would have to be enlarged to a greater extent than the right hon. Gentleman had supposed.

The traffic of the Weaver was largely contributed to by Lancashire, and the districts of Widnes and St. Helens would have to be taken into account when that re-constitution was brought into effect.

MR. TOLLEMACHE (Cheshire, Eddisbury), as one of the Trustees of the Weaver, wished to say that he did not think there would be any objection on their part to consider the question of the re-constitution of the Trust. They recognised that, having regard to the date at which it was instituted, it could not be quite in touch with modern requirements, and he believed there was a motion down on the books of the Weaver Trust, saying the time had come, at any rate, when the County Council should be represented on that Trust. They did, however, take exception to the Motion of the Member for Northwich so far as it regarded the finances of the Weaver navigation. That they should have fought to the end, and should when it should come before the House, because they had always held that the Weaver Trustees were Trustees of the ratepayers of the county; not one farthing of the surplus went into the pocket of any private individual, but all went, under sanction of Parliament, for the relief of the ratepayers. When this question comes on one or two years hence, if such a Motion as that of the hon. Member for Northwich were made, they should be quite prepared to vote against it. At present he might say, on behalf of the Trustees, and certainly on his own part, that he quite accepted the Instruction of the right hon. Gentleman

Question put, and agreed to.

Ordered, "That it be an Instruction to the Committee to insert in the Bill a Clause requiring the Trustees to come to Parliament within two years with such a Bill as may enable Parliament to deal with the whole question of the constitution and management of the Trust." —(Mr. Mundella.)

ROYAL ASSENT.

Message to attend the Lords Commissioners;—

The House went;—and, being returned;—

Mr. Speaker reported the Royal Assent to,—

1. Consolidated Fund (No. 2) Act, 1893.
2. Municipal Corporations Act, 1893.

3. Cholera Hospitals (Ireland) Act, 1893.
4. Public Libraries Amendment Act, 1893.
5. Police Act, 1893.
6. Day Industrial Schools (Scotland) Act, 1893.
7. Reformatory Schools (Scotland) Act, 1893.
8. Statute Law Revision Act, 1893.
9. Electric Lighting Orders Confirmation (No. 2) Act, 1893.
10. Pilotage Orders Confirmation Act, 1893.
11. Military Lands Provisional Orders Confirmation Act, 1893.
12. Local Government Board (Ireland) Provisional Order Confirmation (No. 2) Act, 1893.
13. Metropolitan Commons (Orpington) Supplemental Act, 1893.
14. Electric Lighting Orders Confirmation (No. 3) Act, 1893.

QUESTIONS.

ELECTORAL DISABILITIES OF IRISH POLICE.

COLONEL HOWARD VINCENT (Sheffield, Central) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if, considering that the English, Welsh, and Scotch police enjoy all the electoral rights, whether Parliamentary or municipal, of ordinary citizens without any detriment to the Public Service, Her Majesty's Government will support and give facilities for the early enactment of the measure now before the House to remove the Civic disabilities under which the Royal Irish Constabulary and Dublin Metropolitan Police labour?

THE CHIEF SECRETARY FOR IRELAND (MR. J. MORLEY, Newcastle-upon-Tyne) : The question is well worthy consideration, but I think the hon. and gallant Member will understand that in the present state of Public Business the Government cannot promote or give facilities for the Bill to which he refers.

COLONEL HOWARD VINCENT : Do I understand the right hon. Gentleman is in favour of the Bill?

Mr. Speaker

MR. J. MORLEY : I said the question was well worth considering.

CUSTOMS REGULATIONS OF YACHTS.

SIR JOHN DORINGTON (Gloucester, Tewkesbury) : I beg to ask the Chancellor of the Exchequer whether his attention has been drawn to a letter in *The Field* newspaper of the 20th May relating to the action of the Customs officers in respect of a French yacht ; and whether there is any reason why the same courtesy and relaxation of Customs regulations cannot be directed to be applied in the case of foreign yachts entering English ports as is commonly extended to English yachts entering foreign ports?

THE CHANCELLOR OF THE EXCHEQUER (SIR W. HARCOURT, Derby) : Under the Customs Regulations foreign yachts entering British ports are treated in exactly the same manner as British yachts entering British ports from abroad. An account is taken of any dutiable stores on board, and so much of the said stores as are not required for immediate consumption are sealed up. A Special Report has been called for in the case of the *Fauvette*, and it does not appear that the ordinary practice was applied with any undue strictness.

SEAMEN'S HOSPITALS AT SMYRNA AND CONSTANTINOPLE.

SIR E. HILL (Bristol, S.) : I beg to ask the Under Secretary of State for Foreign Affairs if he will state the present rate of contribution levied on British ships in support of the seamen's hospitals in the Ports of Smyrna and Constantinople ; the total receipts in the years of 1890, 1891, and 1892 in each port ; the actual expenditure in each of the said years ; the amount of the surpluses, and how they have been disposed of ; and the number of the in-patients and of the out-patients treated in each hospital?

THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (SIR E. GREY, Northumberland, Berwick) : A Return will be prepared, but reference to Constantinople and Smyrna will be necessary.

VIVISECTION.

MR. J. E. ELLIS (Nottingham, Rushcliffe): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the great and continuous increase in the practice of experiments upon living animals, as indicated by the facts that whereas in 1878 27 persons held licences of which they made use and performed 481 experiments, in 1892 125 persons held licences of which they made use and performed 3,960 experiments; whether he has satisfied himself that the licences and certificates are all issued only to such places and persons, and with such objects as were contemplated by "The Cruelty to Animals Act, 1876;" whether every "licensed place" was visited during the year 1892; how many places received more than two visits; and whether he is satisfied that the system of inspection is such as to secure the observance of the conditions on which the licences and certificates are issued?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): The figures given by my hon. Friend in the first paragraph are correct. The chief reason for the rise in number is to be found in the increased facilities afforded for such researches by improved methods of anaesthetisation and the antiseptic treatment of wounds. By far the largest proportion of the additional experiments in 1892 as compared with 1891 were cases of simple inoculation and were chiefly performed on behalf of the Royal Commission on Tuberculosis. The answer to the second paragraph is—Yes. The qualifications of every licensee are strictly inquired into, and, with two exceptions, there is no licensed place on the register which is not in a recognised college or public institution. (3) Every licensed place where experiments were performed was visited during the year 1892. (4) There were 21 places visited more than twice. (5) I am satisfied that the system of inspection is such as to secure the object described in the last paragraph of the question.

COLONEL LOCKWOOD (Essex, Epping): Are the visits of the Inspectors known beforehand, or are they surprise visits?

MR. ASQUITH: In some cases they are known beforehand; in others not.

ARMY HOSPITAL STOPPAGES.

MR. HANBURY (Preston): I beg to ask the Secretary of State for War whether, if it is the case that when men are injured on ordinary duty, the General Officer commanding has the power of remitting half the daily hospital stoppage of 7d., and when men are injured at drill or manœuvres, the whole of it; on what principle this distinction is drawn between men who are both injured in the performance of duty; and if he can state generally in what percentage of cases of injury the General Officer commanding has exercised the power of remitting the half or the whole respectively of these hospital stoppages during the last year, for which such information is available?

THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. WOODALL, Hanley): The fact is as stated in the first paragraph of the question. The distinction between ordinary duty and drill or manœuvres is made because drill and manœuvres assimilate closely to the conditions of active service, for injuries in which it is held that the public should give hospital treatment free. On ordinary duty, the injury a man receives is in most cases attributable to some circumstance over which he has more or less control. The conditions are so various that, for administrative convenience, a half-stoppage was made common to all cases. This is regarded as liberal treatment and a considerable concession to the soldier. The data as to remissions of stoppage are not in a form to enable the question to be exactly answered; but, roughly, the stoppages appear to be wholly remitted in one-half the cases of injury on duty.

GAMBLING IN JAMAICA.

MR. CARVELL WILLIAMS (Nottingham, Mansfield): I beg to ask the Under Secretary of State for the Colonies whether there has been received at the Colonial Office a Memorial from the Baptist Union of Jamaica, stating that the Constabulary of Kingston, acting under the instructions of the Governor, refrain, during the Christmas holidays, from enforcing the laws against lotteries, and representing that encouragement is thereby afforded to the gambling which

is on the increase in the island, and that the administration of the law is likely to be brought into contempt; and whether the Governor will be instructed to adopt in future a different course?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Mr. S. BUXTON, Tower Hamlets, Poplar): The Memorial in question has been received, accompanied by a Report from the Governor of Jamaica. The Governor has been instructed to inform the memorialists, in reply, that a certain amount of discretion is necessarily given to the police as to instituting prosecutions for minor offences, and that, as the Secretary of State does not understand that the instructions of which they complain go beyond this, he sees no reason to interfere. The memorialists have been reminded that it is open to any member of the community to institute a prosecution against any person whom he may consider to have contravened the law against gambling. The statement that gambling is on the increase in Jamaica is not borne out by the Reports of the Police or the Statistics of Crime.

KILLYBEGS HARBOUR AND RAILWAY.

MR. MAC NEILL (Donegal, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been directed to the proceedings at a public meeting of the inhabitants of the town and district of Killybegs, in the County of Donegal, fully reported in *The Derry Journal* of 22nd May, convened to consider the encroachments of the Donegal (Killybegs Extension) Railway works on the public wharfage hitherto in existence for the accommodation of vessels in Killybegs Harbour; whether he is aware that last spring, when there was great distress in the district and coal was sold at £1 10s. per ton, a vessel was lying in Killybegs Harbour laden with coals which could not discharge her cargo for a week, in consequence of the encroachments referred to, for which there has been no compensation whatever; by what authority were the railway works which prejudicially affect the wharfage carried out without compensation; what steps will be taken to render the railway and the harbour mutually beneficial to the district instead of antagonistic to each other; and what are the intentions of

the Government in the way of providing a suitable pier and wharf in lieu of those taken away by the railway works, having regard to the fact that Mr. Manning, late Engineer-in-Chief of the Board of Works, recommended that a new pier should be built to accommodate vessels drawing 15 ft. of water?

THE SECRETARY TO THE TREASURY (Sir J. T. HIBBERT, Oldham): My right hon. Friend asks me to answer this question. I have seen a report of the meeting referred to, and I have myself lately visited the place. I am informed that no public rights existed in the Killybegs pier, which was the property of a private individual, and was a small work not extending more than half way to low water of spring tides. The private rights were acquired and paid for under the award of an arbitrator duly appointed. I am not aware of the circumstances described in the second paragraph, but no small pier such as that previously existing could have accommodated coaling steamers of the ordinary class, for which lighters or boats would in any case have been necessary. I should explain that, though the east quay wall of the pier was absorbed in the new station ground, the western quay was set free for the use of the public, and in addition a new boat-slip, much superior to any similar existing work at Killybegs, as extending down to low water of spring tides, was constructed at the cost of public funds in connection with the railway works entirely for public use. A new pier could not have been included in the railway scheme, as there was no provision in the Acts of 1883 and 1889 for such a work, nor are there any funds available for the purpose over which the Treasury or the Board of Works have any control. The question, however, whether any additional accommodation can be provided is now engaging the attention of the Congested Districts Board.

INCOME TAX REBATES.

MR. DIGBY (Dorset, N.): I beg to ask the Chancellor of the Exchequer whether the surveyors and collectors of taxes have the sanction of the Government in insisting on the payment in full of Income Tax without allowing for the rebate in respects of allowances and losses incident to the agricultural depre-

sion, thus necessitating the inconvenience and trouble of claiming a return of the proportion to which the Government were really not entitled?

SIR W. HARCOURT: Surveyors and collectors of taxes have no power to grant the rebate referred to. No accurate statement can be obtained either of the allowances made by landlords to tenants, or of losses in agriculture in any particular year until that year has ended. The relief must, therefore, be granted by way of repayment.

COVENTRY INDUSTRIAL SCHOOL.

MR. BALLANTINE (Coventry): I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to a case recently heard at the Coventry Police Court, in which it was proved that the matron of the Industrial School, Leicester Street, a school under Government inspection, had flogged a girl named Lee, aged 15, illegally and under disgraceful conditions, before the whole school; whether he will direct a prosecution to be instituted against the matron by the Public Prosecutor; and whether, pending prosecution or inquiry, the matron will be removed from the conduct of the school?

MR. NEWDIGATE (Warwick, Nuneaton): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the case of the girl, Emma Lee, who on Saturday, 27th May, was brought before the Coventry City Magistrates for running away from the Coventry Leicester Street, Industrial School; whether he is aware that, according to the regulations of that school, girls are liable to be flogged before the whole school in a partially nude condition; whether this punishment was inflicted on Emma Lee; and whether he will make strong representations to those responsible for the management of the school that any regulations which may at present permit of such a punishment being inflicted should be forthwith cancelled?

MR. ASQUITH: I have directed the Inspector of Reformatory and Industrial Schools to make a full inquiry into all the circumstances of this case, and to furnish me without delay with a special Report. As soon as I am in possession of the Report, I shall take such action as appears to be required.

INSOLVENT IRISH POOR LAW UNIONS.

MR. MACARTNEY (Antrim, S.): On behalf of the hon. Member for South Londonderry, I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland how many of the Irish Poor Law Unions were unable to meet their liabilities on the occasion of the last settling of accounts; what are the names of these Unions; in how many of the Irish Poor Law Unions have the bankers who act as treasurers refused to cash their cheques; and what are the names of these Unions?

MR. J. MORLEY: The Local Government Board state that to obtain the information asked for in the first paragraph of this question would involve an examination of the last audited accounts (*i.e.*, to September 29, 1892) of 159 Unions, a work which would necessarily require some time to carry out. With regard to the third paragraph, the Local Government Board have no information which would enable them to furnish a reply, and it would be necessary to call upon Clerks of Unions or their Inspectors to supply the information. I do not know what the hon. Member's object is in putting these questions; but if he will communicate with me privately, I have no doubt I can give him what information he wants.

NENAGH TRAIN SERVICE.

MR. P. J. O'BRIEN (Tipperary, N.): I beg to ask the President of the Board of Trade whether he has received a communication from the Nenagh Town Commissioners, calling attention to the alteration in the train service between Nenagh and Limerick, causing great injury to the traffic and trade of the former town, as also great inconvenience and loss to the travelling public at large; and whether steps will be taken to have the former facilities for traffic restored between the places named?

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside): I received a letter and copy of resolution from the Nenagh Town Commissioners yesterday. The complaint is general in its terms, but if the Commissioners will favour the Board of Trade with detailed information as to the further railway facilities they require I will communicate with the companies thereon.

ELECTIONEERING TACTICS IN WEST BELFAST.

MR. T. W. RUSSELL (Tyrone, S.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the case of "*Burns v. The Belfast Evening Telegraph*," tried before Mr. Justice Gibson and a special jury, in Dublin, on the 2nd and 4th instants, and reported in *The Belfast News Letter* of the 3rd and 5th; whether he is aware that at this trial it was proved that on the occasion of the West Belfast election, in July last, a person named Kearney, who was then acting as Secretary of the Belfast Branch of the National Federation, marked on the list of voters the names of dead, absent, and sick men, and handed the list to three men named M'Ginley, Carberry, and O'Neill, with instructions to have them personated; whether a large number of personators were arrested on the polling day; and if he can say how many pleaded guilty when brought to trial; whether it has been brought to his notice that Mr. Justice Gibson, in his Charge to the jury, declared that there had, if the jury believed the evidence, been arrangements for wholesale personation under the direction of the National Federation through their secretary; whether it is true that Kearney has, since the election, been appointed to any public office; and if he can say by whom he was recommended to the Government for the appointment; and if the Government intend to take any action in regard to the parties involved in the evidence given at the trial in question?

MR. SEXTON (Kerry, N.) : This question appears on the Notice Paper for the first time to-day. I desire to ask whether, as the question conveys a charge of criminality against a person who is described as a public officer, if the hon. Member has given notice of his intention to put it to Mr. Kearney?

MR. T. W. RUSSELL : I know nothing of Mr. Kearney further than what I have read of him in *The Belfast News Letter*.

MR. SEXTON : Is the Chief Secretary aware that the gentleman in question went to Dublin while the trial was in progress for the purpose of proving his innocence, and hoped to be examined as a witness, but was not called. Will the

hon. Gentleman postpone the question to enable Mr. Kearney to give his statement?

MR. J. MORLEY : The question did only appear on the Paper this morning, and it must have been obvious, even to the hon. Member for South Tyrone, that it was impossible for me to answer it without notice. I have called for a Report in reference to this question; but, not having yet received it, I would ask the hon. Member to be good enough to postpone the question for a few days.

MR. T. W. RUSSELL : I will ask the question on Thursday next.

MR. MAC NEILL : I wish to ask you, Mr. Speaker, whether you did not, a few days ago, express the opinion that questions should not be based on newspaper reports without further investigation being made?

*MR. SPEAKER : The question is put down upon the responsibility of the hon. Member in whose name it stands.

RETURN OF COUNTY AND BOROUGH MAGISTRATES.

MR. STOREY (Sunderland) : I beg to ask the Secretary of State for the Home Department whether he is now able to state when we may expect the Return (ordered by this House in February) of County and Borough Magistrates, their names, addresses, occupations, and the date of their appointment?

MR. ASQUITH : As regards that portion of the Return which refers to the Borough Magistrates, it has already been sent to the printers. The county portion involves greater labour, and I regret that it is not possible for the Crown Office to say when it will be ready, but no time will be lost. If desired the borough portion could be presented separately as soon as it is received from the printers.

MR. WHARTON (York, W.R., Ripon) : May I ask from what sources the information is being obtained?

MR. ASQUITH : In the case of boroughs from the town clerks, and in the case of counties from the Clerks of the Peace.

MR. STOREY : Is it not a fact that the Clerks of the Peace have the information in their possession on the rolls of

Justices, and does not a period of four months seem an excessive time for supplying it?

MR. ASQUITH: That is certainly a matter of opinion.

LIEUTENANT KENNEDY.

SIR W. WEDDERBURN (Banffshire): I beg to ask the Under Secretary of State for India whether the attention of the Secretary of State has been drawn to a recent case before the Calcutta High Court, in which Lieutenant Kennedy, the Deputy Commissioner of Nowgong, in Assam, is stated to have destroyed documents filed as evidence in a criminal proceeding; whether he is aware that Lieutenant Kennedy, while a charge of criminal breach of trust initiated by him against the Treasurer of Nowgong was under inquiry, abstracted from the Court's record seven documents relied on by the accused person, and tore them in pieces, remarking that these documents were put in to get him into trouble; that the Chief Commissioner of Assam stigmatised this action of Lieutenant Kennedy as "most reprehensible;" and that, when the case came up before the High Court, Mr. Justice Trevelyan remarked that if any other person had done what Lieutenant Kennedy did he would have been prosecuted; whether Lieutenant Kennedy has been since promoted; and whether the Secretary of State will cause inquiry to be made, and proper proceedings to be taken in the case?

*THE UNDER SECRETARY OF STATE FOR INDIA (MR. GEORGE RUSSELL, Beds, N.): The Secretary of State has no information as to this matter, but he will cause inquiry to be made respecting it.

INDIAN CURRENCY.

SIR G. BADEN-POWELL (Liverpool, Kirkdale): I beg to ask the Chancellor of the Exchequer whether, as the Report of the Indian Currency Committee has already been communicated to the Government of India, that Report can be presented to the House in anticipation of any statement which the Government may eventually make on the subject; and whether the Government have decided to take any action they may deem to be advisable without the previous concurrence of Parliament?

SIR W. HARCOURT: I answered this question yesterday. The Government are unable to come to any decision until they have ascertained the views of the Government of India upon the question.

SIR G. BADEN-POWELL: Will the Government in the meantime present the Report to the House.

SIR W. HARCOURT: No; I think it would be most unfair to the Government of India that the Report should be made public before they had an opportunity of considering it.

ABSENCE OF CRIME IN EAST CORK.

CAPTAIN DONELAN (Cork, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that the Recorder of Cork was presented with a pair of white gloves on Tuesday last, owing to the criminal calendar for the East Riding of that county being a blank, and that the Recorder congratulated the Grand Jury upon the extremely satisfactory state of the district, and expressed a hope that they might often meet under similar happy conditions; and whether, under these circumstances, steps will be taken to remove the extra police force, for which the people of the East Riding of the County Cork are at present taxed?

MR. J. MORLEY: I understand the first paragraph correctly states the facts. With regard to paragraph 2, I fear I cannot add anything to my reply to a somewhat similar question addressed to me on the 1st inst. by the hon. Member for Cork. I may point out, however, that the county at large, irrespective of the Ridings, is responsible for the cost of the extra police.

SECOND DIVISION CLERKS.

MR. HANBURY: I beg to ask the Secretary to the Treasury whether any, and, if any, what, barrier exists to the promotion of clerks of the class known as assistant clerks, posting clerks, and abstractors, to vacancies in clerkships of the Second Division, if in the opinion of the permanent Heads of their several Departments such promotion would be for the benefit of the public?

SIR J. T. HIBBERT: The Second Division of the Civil Service is recruited by open competition, and it is not pro-

posed to admit to that Division men who have only passed the rudimentary examination required of temporary copyists.

THE ROYAL WEDDING.

MR. KNOWLES (Salford, W.) : I beg to ask the First Lord of the Treasury if it is the intention of Her Majesty's Government to proclaim the wedding day of H.R.H. the Duke of York, 6th July, a public holiday ?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian) : The hon. Gentleman will doubtless be aware that the Government has the power under the Act of Parliament of proclaiming holidays either generally or locally. There is no case of a general holiday being proclaimed under the Act except on the day of the Queen's Jubilee. There has been a case in which a local holiday for London has been proclaimed, and local holidays have also been proclaimed in other places. Speaking generally, I should say this is evidently a matter on which the Government ought to watch for manifestations of public sentiment. That is what the Government will do ; they will be guided by these manifestations as to any course they may or may not adopt.

THE AGRICULTURAL DEPRESSION.

MR. JASPER MORE (Shropshire, Ludlow) : I beg to ask the First Lord of the Treasury whether the Government have any serious intention of proceeding with the Motion which appears daily on the Notice Paper, to appoint a Select Committee to inquire into the subject of Agricultural Depression ?

MR. W. E. GLADSTONE : The Government still continue desirous to appoint this Committee. Of course, they are aware that with the lapse of time the position of matters simply becomes worse ; but after the manifestations that appeared in different portions of the House of a desire that the Committee should sit, the Government will, so far as depends upon them, do all they can to meet that desire.

MR. J. MORE : Has the attention of the right hon. Gentleman the Member for Sleaford (Mr. Chaplin) been drawn to the Amendment to this Motion lately put on the Paper by the hon. Member for

East Suffolk ; and is he prepared to withdraw his Amendment in favour of the Amendment of that hon. Member ? Will the right hon. Gentleman the Member for Thanet also take that course ?

MR. CHAPLIN : Yes, Sir ; my attention has been directed to all the Amendments upon the Paper to the Motion of the President of the Board of Agriculture, and among them the Amendment which stands in the name of the hon. Member for the Woodbridge Division of Suffolk. With regard to the Amendment in my own name, I have frequently stated my reasons for placing it on the Paper, and I need not repeat them now. The Amendment of the hon. Member has only been placed on the Paper quite recently, I believe ; but it appears to me to be directed to a specific issue—namely, the question of the fall in the prices of agricultural produce, which in my judgment lies at the root of agricultural depression, and I can only say, if the Government will accept the Amendment of the hon. Member for Suffolk, I should be prepared, as far as I am concerned, if it will facilitate the action of the Government, to withdraw the Amendment which stands in my name on the Paper at present.

MR. J. MORE : May I put a similar question to other hon. Members who have Amendments on the Paper.

***MR. SPEAKER** : Order, order ! The inquiry should be made privately.

A CONTINUOUS SESSION.

MR. PICTON (Leicester) : I beg to ask the First Lord of the Treasury whether it is absolutely necessary to complete a Parliamentary Session and to prorogue within a year ; whether he is aware of precedents for a continuous Session of more than one year ; and whether Her Majesty's Ministers will under present circumstances refrain from advising a Prorogation, but, when necessary, substitute short adjournments instead, until the Home Rule Bill, and such other measures as they deem next in importance, shall have been passed through this House ?

MR. W. E. GLADSTONE : I am sensible that the House is placed, with

regard to the prosecution of Business, in a position of great and increasing difficulty, and in due time it may be the duty of the Government to consider in a comprehensive manner in what way these difficulties ought to be met; but I do not think it would be desirable to enter into any particulars at the present moment. At the proper time I should be prepared, in case it should be desirable, to make specific proposals.

THE MINES (EIGHT HOURS) BILL

MR. D. THOMAS (Merthyr Tydvil): I beg to ask the First Lord of the Treasury if the reports that he has promised a Saturday Sitting for the Mines (Eight Hours) Bill, provided an assurance were given that a House would be made on that day, were correct; whether there is any precedent for giving such facilities to a Private Member's Bill of a highly controversial character; and whether the Government intend to give precedence to the Mines (Eight Hours) Bill over all other Private Members' Bills, such as the Places of Worship Enfranchisement and Liquor Traffic Local Veto (Wales) Bills, and over Government measures such as the Established Church (Wales) Bill?

MR. W. E. GLADSTONE: In reply to the question, what I have to say is, in the first place, that there was no promise or engagement of any kind entered into by Her Majesty's Government. I had the honour of receiving a deputation a few days ago of two hon. Friends acting for the promoters of the Mines (Eight Hours) Bill; and as I understood from them that they desired to ascertain and to be guided by the prevailing sentiment of the House I respectfully advised them to spend a little time in endeavouring to ascertain what was the prevailing sentiment. What I said also was this—that my opinion distinctly is that it is not for the Government to take a leading part in, or to endeavour to exercise a strong influence upon, the questions they have raised. But it is my opinion also that in case it should be found to be the prevailing sentiment of the House—and by that I mean more than a mere numerical majority—that this additional burden should be undertaken—and I am afraid it might be a burden for more than a single Saturday

—it would not be the duty of the Government to set themselves in opposition to that sentiment.

SWAZILAND.

SIR ELLIS ASHMEAD-BARTLETT (Sheffield, Ecclesall): I beg to ask the Under Secretary of State for the Colonies whether he will inform the House as to the conditions of the Convention regarding Swaziland, which was signed at Pretoria on June 7?

MR. S. BUXTON: The terms of a Draft Convention have been settled; but the full text has not yet been received, and the Convention will not be signed by Sir H. Loch until he is so authorised by Her Majesty's Government.

EMPLOYERS' LIABILITY [PAYMENTS].

Considered in Committee.

(In the Committee.)

MR. A. J. BALFOUR (Manchester, E.): Perhaps the right hon. Gentleman in charge of the Bill will tell us exactly what we are doing. We have not before heard of any financial proposals in connection with this Bill.

MR. ASQUITH: The Resolution is brought forward in consequence of a pledge given to the right hon. Gentleman the Member for the University of Cambridge. When the question arose as to the Bill going to the Grand Committee, the right hon. Member asked whether the Government were prepared to admit the Government workmen into the scope of the Bill, and the Government consented to do so. The Government have accordingly prepared a clause to carry out the agreement; and as it may involve a charge on the Public Funds, it is necessary to have the authority of the Committee of the whole House for the proposal.

MR. GOSCHEN (St. George's, Hanover Square): Has any estimate been formed of the cost?

MR. ASQUITH: None is possible.

MR. GIBSON BOWLES (Lynn Regis): Will soldiers and sailors be included in the scope of the clause, or only workpeople?

MR. ASQUITH: Soldiers and sailors will not be included.

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of compensation for injuries to workmen in the employment of the Crown which may become payable under the provisions of any Act of the present Session relating to the Liability of Employers for injuries to their workmen.—(*Mr. Secretary Asquith.*)

Resolution to be reported upon Monday next.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 8th June.*]

[SEVENTEENTH NIGHT.]

Bill considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 3 (Exceptions from powers of Irish Legislature).

Amendment proposed,

In page 2, line 12, after the word "or," to insert as a new sub-section the words—"Factories, workshops, and mines, or the regulation of the hours of labour of men, women, and children in factories, workshops, and mines."—(*Mr. Whiteley.*)

Question again proposed, "That those words be there inserted."

MR. FIELD (Dublin, St. Patrick's) said, the hon. Member who, on the previous night, had proposed that Amendment, had expressed himself very anxious about the protection of Irish labour under an Irish Parliament. Well, as one connected with Irish labour institutions he could assure him that there was no danger of labour being unprotected, because the progress of democratic thought was resulting in more and more Representatives of labour being sent to Parliament. That would be the case in the Irish Legislature, as it was in the House of Commons. He would ask the Government to reject the Amendment. If Ireland were not to manage her labour questions, what was she going to manage? At the present moment there was no equality in the administration of the Labour Laws, because the Resolution passed by the House of Commons as to contracts and sub-letting was not enforced in Ireland, although it was in other parts of Great Britain. He held that this ques-

tion would be much safer in Irish hands than if left to the Imperial Parliament. He hoped the Government would reject the Amendment, and not allow the Irish Government Bill to be so pruned as to prevent it being capable of producing any fruit. They wanted it to be something more than a mere pole on which to display the Union Jack.

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): I am not at all surprised at the appeal which has been made by the hon. Member. The apprehension, I believe, is entertained by some—probably by but a few—that by legislation the Irish Legislature might bring into existence a new and very formidable competition with British manufactures; and, therefore, it is desired to withdraw from the cognisance of the Irish Legislature these topics. But nothing could be more chimerical than the idea that Irish legislation could have such an effect. No doubt an Irish Government would be desirous to plant, stimulate, and foster industries; but if it sought to do so by abnormal methods of Governmental interference—by grants from the Exchequer—that in itself would show a belief that it would be no easy matter. The causes which have planted the great British manufactures in the seats which they occupy are too powerful and deep-rooted to be capable of being so affected. This is one of those grave questions raising and involving a multitude of considerations. Let us select one branch which, I think, would come home to the views of the hon. Member opposite (Mr. Field) on this subject—the question of passing Sanitary Laws. It cannot be contended seriously that the subject of sanitary legislation as applied to workshops in Ireland ought to be withdrawn from the Irish Legislature; yet that is one of the things which this Amendment would do. There would be no power on the part of the Local Authority, which certainly would be better able to deal with sanitation than any other, to supervise these workshops. It appears to me that the Amendment, if passed, would not only exhibit an undue jealousy of the Irish Legislature, but would impose an unwelcome burden on the Imperial Parliament, which this Parliament would hardly care to assume. The question of sanitary legislation is one of those

matters peculiarly fitted for the cognisance of an Irish Parliament, and the intolerable supposition cannot be raised that that Legislature would pass Sanitary Laws beneficial to Ireland in general, but prejudicial to Ulster. My own belief is that this subject would not be a matter of Party division in the Irish Chamber, but would be prosecuted for the benefit of the country at large with one heart and one purpose. I am convinced that the new Government and new Assembly will be the proper stewards to deal in Ireland with all legislation respecting labour in factories and mines, and such questions as the employment of women and young persons. It is better that we should leave a reasonable discretion in dealing with local questions; and, in our opinion, we are bound to recognise the Irish Legislature as the proper Body for dealing with these questions. We, therefore, offer a most decided opposition to the proposal of the hon. Member opposite.

SIR J. GORST (Cambridge University): The right hon. Gentleman has not referred to one ground upon which I venture to recommend the Amendment to the Committee. It is complained that this Amendment is too wide; and, as I have placed one on the Paper which is less extensive in its scope, I would like to say a few words upon the matter. I am not, in the slightest degree, influenced to sympathise with the Amendment by any distrust of the Irish Legislature in connection with this matter. I do not believe that the Representatives of Ireland, either in a Legislature of their own or in the Imperial Parliament, would endeavour to diminish the protection afforded to men, women, and children by an industrial legislation. Their speeches in this House, I have always been glad to notice, have been on the side of industrial progress. But my reason for desiring that the subject-matter of the Amendment should continue to be treated as an Imperial, and not as a local, matter is because industrial legislation may soon be expected to assume an International character. The legislative protection of working people engaged in industrial pursuits is likely to become a matter of International arrangement, and will soon probably be the subject of Treaties between the civilised Powers of Europe,

and great inconvenience will be caused if we should persist in having two separate Legislatures in one Kingdom, each dealing in its own fashion with a question of that kind. I do not think that the Conference of 1891, in Berlin, will be the last of the attempts to bring about uniformity of legislation throughout Europe for the protection of those engaged in industrial occupations. It is true that the decisions of that Conference had no diplomatic force, and were mere pious opinions; but I believe that in a very few years there will be other Conferences, which will result in definite engagements binding the European Powers to treat the industrial populations of their various countries in a uniform manner. In what an inconvenient position will this country be situated at such a Conference as the Berlin Conference! At Berlin those countries were represented which have been brought before the House as countries in which the dual system of Government prevails—namely, Sweden and Norway and Austria-Hungary. But each country was represented by a separate Delegate; and often the Norwegian Representative was found acting against the Swedish and the Hungarian against the Austrian. By a sub-section already adopted in the Bill the Government of Ireland would be debarred from being represented at such a Conference; but it would not, if this Amendment were rejected, be debarred from legislating on the lines of the decisions such a Conference might deliver. Thus an Imperial Delegate might speak in the name of the Imperial and the Irish Parliaments; but one of those Parliaments would have power to act in a contrary spirit. That would not be a very convenient position for this country to appear in. Either industrial legislation ought to be within the province of the Imperial Parliament alone, or, in the case of an International arrangement, the Irish Legislature should be represented as well as the British Legislature. But there is another difficulty, and that is that, the Irish Parliament not being represented at European Conferences, they would very likely refuse to undertake any legislation at all to give effect to any stipulation the Imperial Representative might make. We had a case in point in connection with the Berlin Conference, when the Govern-

ment of India, not being represented, refused to be bound even on such a question as the employment of women underground. In the same way, what reason is there to suppose that the Irish Government would act differently? I do not attribute less zeal to the Irish Parliament than to this one; but it is only human nature to expect that, following the example of the Indian Government, Ireland should refuse to be bound by arrangements in the making of which its Representatives would have no voice. The hon. Member for Dublin (Mr. Field) is a Labour Representative. It seems to me that if he wants an eight hours' day he should vote against the provisions of this Bill as it stands, and in favour of some such proposal as we are now discussing. I strongly urge upon the Government, in the interest of progress, to preserve to the Imperial Government the power to appear with unity at the Congresses of European countries and the power to give effect to any arrangement come to for industrial legislation. I grant that to exclude from the purview of the Irish Parliament all matters connected with industrial legislation would be impossible and absurd; but I think we ought to preserve to ourselves the right to speak with proper effect in any further Congresses that may take place.

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside): I am glad to hear the right hon. Gentleman admit that to deprive the Irish Legislature of any power to deal with this subject would be absurd. I entirely share that opinion, and, that admission having been made, there is little more to be said on the subject. The right hon. Gentleman said that the Imperial Parliament ought to be in a position to enforce the recommendations of Conferences. It is proposed that Parliament should acquiesce in the limit of age (12 years) proposed by the Berlin Conference; but the late Home Secretary maintained the limit of 10 years, and when the view of the Conference was quoted to him he said that view had no binding force whatever. No doubt Conferences are of great advantage; but I do not believe there is any probability of their bringing about a uniform practice in Europe. No class of Members in this House has so loyally

supported factory legislation as the Irish Members. The right hon. Gentleman said the Irish Members would not be influenced by a Conference at which they were not represented. But should they not be represented?

SIR J. GORST: I spoke of a Representative of the Irish Government.

MR. MUNDELLA: Yes; but many of the Delegates who attend the Conferences are not Representatives of their Governments. There is no reason to fear any reactionary legislation with regard to labour from the Irish Members. I would say that I believe Ireland will be more likely to adopt the provisions of the Berlin Conference than England herself, and that she will set an example which would be useful to this country.

***MR. T. W. RUSSELL** (Tyrone, S.) said, that gentlemen on the Treasury Bench seemed to think that this was an entirely useless discussion. To his mind it was quite a natural one. He could understand the position of the hon. Member for the St. Patrick's Division of Dublin. The hon. Member asked, as an Irish Home Ruler, "What was the Irish Legislature to do if it was not to regulate a thing of this kind?" That was a perfectly natural position to take up; and if he (Mr. Russell) were an Irish Home Ruler he should follow that course—or he should probably go a great deal farther, and object to many of the restrictions the Government had inserted in the Bill.

MR. FIELD: I have done so.

***MR. T. W. RUSSELL** said, that, no doubt, if the hon. Member wished to go further, he would have an opportunity later on of showing his desire. If the position of the hon. Member for the St. Patrick's Division of Dublin was natural, that of the hon. Member for Stockport was doubly so. The question was one of opposition between sentiment and interest. The hon. Member for Stockport knew what they all knew—that there were two main reasons why this Irish legislation was desired in Ireland by the bulk of the people. One set of people had an idea that land would be cheapened under it, and another set had an idea that Irish industries would be fostered and encouraged by it. He defied Irish Members to deny that these were the two main reasons why the majority of the Irish people were in

Sir J. Gorst

favour of Home Rule. Let them see how it would work out. By the Bill, as he understood it, the Irish Government would be enabled to give premiums and bounties to, say, woollen manufacturers in Ireland.

***MR. BARRAN** (York, W.R., Otley): They do not want them. The woollen industry of Ireland at the present time is as prosperous, or more prosperous, than that of any industry in that country.

MR. T. W. RUSSELL said, that was not the point. The Bill as it was drawn allowed the Irish Legislature, if they could find the money, to give premiums or bounties—[*Cries of "Question!"*—] to assist the woollen manufacturers in Ireland. That was the first thing. What would be the result? Why, that the Irish manufacturers would be able to compete better than they were able to do now with the Yorkshire manufacturers in Ireland, and would be able to come over to England and compete with them here. The hon. Member for the St. Patrick's Division of Dublin did not object to that—why should he? But supposing the Irish Members were left in their present strength in this House—and there were proposals to that effect—and supposing a measure for giving an eight hours' day in factories were brought in, the 103 Irish Members might vote for that principle so far as England was concerned, but might decline to apply it to Ireland, on the ground that it would not help them in fostering Irish industries and manufactures. Here, in addition to bounties, would be a greater boon to Irish manufacturers at the expense of English manufacturers. He (**Mr. Russell**) was an Irish Member, and he was not going to say that such a thing was wrong. If he were in an Irish Parliament he should go for that. The Government would be making a great mistake if they thought that an Irish Parliament would not go for it. It did not matter what the Irish Members might say. They would be made to go for it. He did not believe in an Irish Legislature if it did not represent the feelings and aspirations of the Irish people; and he contended that this feeling in favour of bounties was deep-rooted in Ireland, and that one of the aspirations that every man South of the Boyne cherished was that Irish industries might be fostered, and that could only be done at the ex-

pense of English trade. The hon. Member for Stockport was not full of sentiment, though the people of Ireland might be. They were all full of looking after their own interests, and this was simply a collision between interest and sentiment, and he thought interest would win in the long run.

MR. TOMLINSON (Preston) said, his belief was that in Lancashire and Yorkshire and other manufacturing parts of the country this question would be looked at as a practical matter; and he based his support of the Amendment, in the first place, on the last lines of the speech of the Prime Minister on Wednesday last. The right hon. Gentleman stated—

"It was vital to the commerce of the Three Kingdoms that there should be uniformity of the commercial law from one extremity of the land to the other."

The right hon. Gentleman now drew a distinction between commercial law and trade law. That was a mere verbal distinction, and what they had to look to was not words but things. They had to consider what would be the effect of the Bill, not as commercial law, but on the trades carried on in this country; and the conclusion he drew was that not only the commercial law, but the whole of the trade law, ought to be uniform in the whole of the United Kingdom. Unless that was done they would be exposed to the dangers that the hon. Member for South Tyrone had alluded to. He (**Mr. Tomlinson**) had no doubt that if the existence of any such state of things ever came about it would tend to give rise to such apprehensions as would drive away enterprise and capital from this country and send them to other countries. If it was said that it was absurd to say that the Irish Legislature ought not to have power to deal with trade questions, his reply was that this was only another illustration of the absurdity of the whole Bill. [*Cries of "Divide!"*]

***MR. STUART-WORTLEY** (Sheffield, Hallam) said, the Prime Minister had supplied the Committee with the most excellent reasons why they should entertain some of the apprehensions that the President of the Board of Trade said were so far distant from his mind. It was no easy matter to plant industries on Irish soil, and that was the very reason

why there was a suspicion that an Irish Legislature might be prone to relax the regulations with regard to workshops and factories. In the year 1891 Parliament delegated many of the matters relating to the regulation of workshops to Local Authorities, subject to the exception that where a Local Authority failed in its duty an appeal might be made to the Home Secretary, who might then step in and take the place of the Local Authority. In thus providing for an ultimate resort to the Central Government, with a view to the maintenance of a general standard, Parliament had adopted a policy similar to that which the supporters of the Amendment now advocated. The standard ought not to be allowed to be lowered in any portion of the United Kingdom, because if it were the result would be to add one to the list of foreign countries, whose competition Great Britain had to fear. It was said that there would be no division of opinion on these matters in an Irish Parliament. He was confident that this would be the case, and that the Irish Members would be only too united in regard to them. It might be that Irish Members had, in the past, loyally supported factory legislation, but it had been legislation which had been uniformly applied throughout the United Kingdom. Lastly, he hoped that favourable consideration would be given by the Committee to this Amendment, when they bore in mind that although in respect of a great many other matters they had, under the Act of Union, separate legislation, separate administration, and separate Executive action in Ireland, yet in respect of factory and mining matters, not only legislation, but also administration, had always been identical and always withdrawn from the control of the Irish Executive; and when, a few years ago, administrative Home Rule was set up in Scotland, he did not believe a single Scotch Member ventured to make a proposition that, as regarded factories and mines, there should be separate administration, which might lead to a conflict of standards, and, therefore, undue competition.

COLONEL BRIDGEMAN (Bolton) said, what the supporters of the Amendment were afraid of was that there might possibly be some legislation in Ireland

which would increase the number of working hours to the advantage of the Irish manufacturer and for the purpose of getting manufactures started in Ireland to the detriment of this country. The Prime Minister in his speech dealt entirely with the question of workshops. Would the right hon. Gentleman assent to the Amendment if "workshops" were omitted from it? With the object of ascertaining whether the right hon. Gentleman would do so, he moved the omission of that word.

Amendment proposed, to the proposed Amendment, after the first word "Factories," to leave out the word "workshops."—(*Colonel Bridgeman.*)

Question proposed, "That the word 'workshops' stand part of the Amendment."

MR. JESSE COLLINGS (Birmingham, Bordesley) said, the question involved in the Amendment was an English as well as an Irish question. After the speech of the right hon. Gentleman the President of the Board of Trade (Mr. Mundella), the Amendment ceased to have that small importance which the Prime Minister had sought to give it. The right hon. Gentleman (Mr. Mundella) had asked why Irish Representatives should not go to such Conferences as that lately held at Berlin. Did the right hon. Gentleman mean that they should go as accredited Representatives? If so, the provisions which had already been passed would make it absolutely impossible. If the right hon. Gentleman meant that they should be amongst the Representatives of Great Britain, the votes of the British Representatives might be rendered of no avail by those of the Irish Representatives, although the Irish Parliament would have no power whatever to carry out the views expressed by its Representatives. Therefore, from one point of view the suggestion was impossible, whilst from the other it was ridiculous. The right hon. Gentleman said that the reason why the linen trade had gone from England to such a large extent was that wages were lower in Ireland. There was, however, quite as much danger of having a 10 hours day in Ireland and an eight hours day in England as there was of having lower wages in one country than in the

other. He would ask those who called themselves Labour Representatives what would happen?

THE CHAIRMAN : I do not wish to interrupt the right hon. Gentleman, but the only question is whether "workshops" should stand part of the Question. It is inconvenient to discuss the Main Question until that has been disposed of.

MR. JESSE COLLINGS said, he was dealing with the hours worked in workshops. He wished to call the attention of the Representatives of Labour to the fact that, although they might have the whole of the British electors in favour of securing an eight hours day in workshops, those efforts might be frustrated by the votes of Irish Members, whose own workshops would not be affected by the decision of the Imperial Parliament. Labour Representatives continually complained that the hours of labour in foreign countries interfered very much with the settlement of the question of hours in this country; and Ireland might, unless the original Amendment were adopted, cause further interference. The question of the health of the people employed in these workshops had to be considered, and surely this was an Imperial question. Surely the general workshop legislation, which the House of Commons agreed to after discussions, from which the Irish Members would not be excluded, ought to apply to the whole of the United Kingdom. The question was one that pre-eminently affected the working classes of this country, and which ought to be taken in connection with the question of bounties or protection which was dealt with by the House on the previous evening.

MR. A. J. BALFOUR said, that if the Government did not accept the Amendment to the Amendment, it would, perhaps, facilitate business if his hon. and gallant Friend withdrew it.

MR. J. MORLEY : We cannot accept the Amendment to the Amendment.

Amendment to Amendment, by leave, withdrawn.

Question again proposed, "That those words be there inserted."

SIR F. S. POWELL (Wigan) remarked that the provisions which had already been adopted restraining the

Irish Parliament from dealing with Treaties or with foreign relations had an important bearing on the Amendment. He thought that action taken by the Irish Parliament with reference to workshop, factory, or mining regulations might be very injurious to the industrial population of Lancashire. The character of the laws that might be passed by the Irish Parliament could not be predicted, but might be such as to favour Irish industry to the prejudice of the Lancashire industries. He was afraid, therefore, that great injury might be caused to his constituents if the clause were adopted without the insertion of the Amendment.

MR. MATHER (Lancashire, S.E., Gorton) said, he wished to reply to some of the arguments by Conservative Members from Lancashire. Two suggestions were put forward. One was that possibly the Irish Legislature might not enforce the legislation now applying to those engaged in various industries, and the other was that they might legislate in industrial matters, and for their own selfish interests increase the hours of labour far beyond those now worked in England. From both points of view he thought the Amendment was absolutely unnecessary. In the first place, it was not likely that the electors of Ireland, composed as they were almost overwhelmingly of the working classes of Ireland, would send to the Irish Legislature men who would at once begin to reverse the legislation with regard to hours of labour and other matters which affected the interests of the working classes, and to deprive the working men of Ireland of the advantages they had secured under the Imperial Parliament. Any other position than that was so absolutely ridiculous and absurd that he did not think it worth while to waste time in discussing it.

MR. WHITELEY (Stockport) : That was my chief argument.

MR. MATHER said, in that case the hon. Member must regard the Irish people as altogether differing in their views from the people of other parts of the United Kingdom, and must assume that they would willingly pass from a condition of comparative ease and enjoyment and enter once more into a state of semi-bondage. The argument to which the hon. Member had given most force

was that the industries of Lancashire, to which he particularly referred, would be affected if the Irish Legislature had the power to pass Acts on these matters differing from the English Acts. Another hon. Member opposite had endorsed that view. All legislation for the amelioration of the condition of the working classes had been brought forward under the influence of the working people of the country. The Trades Unions had been the prime movers in the bringing about of restrictions for the benefit of the workpeople. All this had increased our productive power, and put us in a better position for competing with the nations of the world; and if Ireland desired to be in a better position to compete with England than she was at present, she would follow the example of England and endeavour to secure better conditions and advantages for her working classes.

MR. J. CHAMBERLAIN: As I represent an entirely working class constituency, I should like to offer a word on this question. I do not presume to speak as some of my Colleagues do—for the working classes in general, but I think I can speak for the working classes in Birmingham and the district. Their feeling is that all the restrictions which they believe to be greatly to the advantage of the working classes which have been secured by legislation have been secured, in the first instance against the wishes of the employers of labour by the efforts of the Trades Unions and the special Representatives of the working classes. In that I am in accordance with the hon. Gentleman who has just sat down (Mr. Mather). My constituents consider that these efforts have been continuous and persistent, and that at last they have been tolerably successful; but they feel that if at any time competition should make it difficult for the manufacturers to maintain their own, a very strong case would be made out for altering or repealing the regulations which they have obtained at a cost of so much labour. Now, up to the present, all these regulations have applied equally to the whole of the United Kingdom. Under the Bill it is quite possible, in my opinion, that different and less restrictive regulations, and less costly regulations to the employers, may be adopted in Ireland to those which are enforced in Great Britain, and my constituents feel that if that ever were the

case the inevitable result would be that there would be an agitation to deprive them of the advantages which had been up to now secured. The principles which it seems to me must regulate the proceedings of the Committee were well and clearly stated the other day by the right hon. Gentleman the Prime Minister. We are not to enter into an argument as to whether or not the Irish Parliament will do things injurious to those they represent. They have, as he said, an abstract right to injure themselves, with which we have no concern. But they have no right, according to the same authority, to injure us, and to injure those whom we represent—even to put us to great inconvenience. The hon. Member for the Gorton Division (Mr. Mather) would so far agree with my argument. But then he says that he is one of those Members who has this perfect confidence not that the Irish people will not do wrong or foolish things, but that they will never do anything which their Representatives think to be foolish or wrong. But why should the Irish Parliament think it to be foolish or wrong to alter our legislation with regard to the Factories and Workshops Act, and to adopt a different form of legislation? Other countries have not followed our example as to this legislation, and no one pretends that France or Germany are guilty either of insane folly or of crime because they allow their working people to work a much greater length of time than we allow ours. There may be, I think, a difference of opinion without imputing either folly or crime; and when the hon. Member for the Gorton Division says that what we fear may come about is not to be anticipated, because the majority of the Representatives in the Irish Parliament will be the Representatives of the working classes, he forgets that the majority of the Representatives in the Irish Parliament will be, by the necessity of the case, small tenant farmers. And I defy the hon. Member to find any class that knows less of the conditions and necessities of the manufacturing and industrial concerns than the Representatives of the tenant-farmer class. I think that it is quite conceivable that those who will undoubtedly and rightly endeavour to promote industries in Ireland will

proceed in every way to secure advantages in competition with those engaged in similar industries in this country. And one way in which they will obtain that advantage will be by persuading their workpeople and Representatives in the Irish Parliament to allow longer hours and lesser restrictions. They will endeavour to persuade them that the restrictions in the case of Great Britain have been carried to an unnecessary length, and, I suppose, have involved unnecessary cost to those engaged in industrial employments. In my opinion, they are very likely to be successful, and if they are successful a serious competition will be set up. In that case we shall have an agitation for the relief of British manufacturers from the conditions under which they are now working. The working classes will be injured. Consequently, I generally agree in the opinion that I know is largely expressed by my constituents, that it is most desirable that in this matter, and all these matters that affect competition between the two countries, there should be uniformity of legislation—that the power of legislation should be where it is at present—in the Parliament representing the whole of the United Kingdom.

*MR. J. BURNS (Battersea) said, that he had listened with great attention to the speech of the right hon. Gentleman the Member for West Birmingham; and he ventured to say that, notwithstanding the enormous power and influence that the right hon. Gentleman exercised in the district he so ably represented, the condition of industries in Birmingham was not of a character which justified the sweeping statements which had been made as to working-class opinion in relation to Ireland. What was the condition of Birmingham? It was practically this. In nearly all the small trades in Birmingham the masters were assisted by their sons or various relatives—and hard task-masters they were. Get any of the men who were not interested in the concerns of the small shop-masters and garret-masters of Birmingham, and there was one prayer they sent up, and that was that the Local Authorities in Birmingham should have greater power over these shop and garret-masters than they now had. The desire was, that the power of regulating these trades

should be decentralised, and that the Local Authorities not only of Ireland, but of England, Scotland, and Wales, should have power to put down the sweating, insanitary condition, and overwork that prevailed in Belfast just as it did in Birmingham and in Manchester. If the right hon. Gentleman the Member for West Birmingham would leave the small garret-masters in Birmingham and go to large firms like that of Messrs. Tangye, where the men employed belonged to the Union; or if he would go to the National Trade Conference and Congress, what would he find? He would find that this Congress, as at the London Trades Council last night, asked, in one of the largest meetings ever held on the workshop question, for increased power to be given for dealing with factories and workshops. But he would find them asking not that this increased power should be given to Parliament, but that the administration should be decentralised, and that the Town and County Councils should have conferred upon them the duty of dealing with sweating—Local Authorities could discharge this duty much more vigorously than ever Parliament would be likely to discharge it. He knew that the right hon. Gentleman the Member for West Birmingham was in favour of local self-government. No one appreciated more than he (Mr. Burns) did the magnificent services the right hon. Gentleman had rendered to municipal government—the disinterested and self-sacrificing work he had performed for the Corporation of Birmingham, when with such honour and distinction he occupied the mayoralty of that city. But if the right hon. Gentleman was in favour of self-government for his own district, why not for Ireland? He must see, as hon. Members did, that this House, jealous as it was of its privileges, was compelled to delegate them in such Acts as the Shop Hours Act and the Public Health Act, and in the Report of the Sweating Commission, which brought the last Tory Government, to its credit, up to the level of the best traditions of the Tory Party when, led by Lord Shaftesbury, they fought so gallantly against the Manchester and Birmingham capitalists of this country in 1840 and 1850. When he heard the right hon. Gentleman the Member for West Birmingham say that

in Ireland the tenant farmers would set the pace for factory legislation, he (Mr. Burns) could not help asking himself who gave English workers the Factory Acts? It was done with the help of the tenant farmers on the Tory Benches. It was the gentlemen of England who had interposed between the brutal greed of the Birmingham and Manchester capitalists and the working classes. This Bill was within a measurable distance of becoming a glorified County Council Bill unless the Government plucked up courage and refused to make any more concessions. But if the right hon. Gentleman was in favour of real local government, and this Bill was to become a reality, the Parliament sitting in Dublin surely should have given to it such powers as were conferred on the London County Council by the last Parliament to enable it to deal with workshops and the sanitary conditions of bakehouses and workshops. He (Mr. Burns) contended that what was right for Birmingham and Manchester and London was doubly right for a country like Ireland, which was, industrially, 100 years behind England. Ireland ought to have the means of making up leeway, which, through the jealousy of this country, it had been prevented from doing. If the Bill was to be emasculated to the extent of refusing this power to Ireland, it would become such a miserable Home Rule Bill that he (Mr. Burns) should feel inclined to vote against the Government in their endeavour to secure its further progress. The hon. Member for South Tyrone had said that the Irish Parliament would have two objects. One would be to cheapen the value of land. But was that object peculiar to Ireland? They heard of squires and farmers and labourers doing it in this country at the present time. People were asking for more land at a lower price. ["No, no!"] Well, hon. Members on the Front Opposition Bench, who mainly drew their revenue from rents, could not be expected to agree with him. The other object which, according to the Member for South Tyrone, the Irish Parliament would have might be to attempt to foster Irish industries at the expense of British industries by supporting an eight hours day in the Imperial Parliament for England, Scotland, and Wales, while they refused to apply the same principle to

Mr. J. Burns

their own country. But what economic ignorance that argument displayed! Did the hon. Member think that English workmen would permit that? They would rend to pieces any Irish Party that attempted to do anything of the kind, and that with the concurrence of Irish workers.

Mr. T. W. RUSSELL: Then may I ask what about Ireland managing her own affairs?

Mr. BURNS said, he would deal with what an Irish labourer would do under such circumstances. Did the hon. Member imagine that the Irish labourers and artisans, who, above all people in the world, had the instinct of political organisation, and who had a capacity for government and political organisation unequalled by any other people on the face of the earth, would not use the powers of this Bill for reducing the hours of labour of farm labourers and of work-people in factories, docks, railways, and workshops, and for increasing wages and improving the sanitary conditions under which work was carried on? Even if they did not voluntarily do it, Trades Unions were international, and the Unions (which were not so largely supported in Belfast as they ought to be) would be found working in Ulster, where a deal of the boasted prosperity sprung from long hours, low wages, and sweating conditions. The Unions would be found working there, and they would some day have the power of forcing the Belfast shipbuilders and shipowners and manufacturers to come up to the level of British hours and wages. Ireland would be mad if it attempted to exempt itself from a general eight hours working day. Long hours of labour generally were not profitable. Manufacturers now knew what they did not know when the Factory Acts were secured—namely, that neither long hours nor low wages where machinery was an auxiliary to production helped them to beat their rivals. What gave English manufacturers to-day a monopoly in the world's market was not long hours nor low wages, but sub-division, organisation, larger factories. He was surprised to hear the right hon. Gentleman the Member for Birmingham say or imply that he did not want to see this little industrial country—Ireland—competing with this great manufacturing country—England—that had had 100 years' start in

the race for wealth. He (Mr. Burns) was in favour of giving India the right to manage its own industrial affairs, believing that it would put an end to a system under which the condition of the factories in that country was such as to bring the blush of shame to the face of every right-thinking Englishman. And not only would it put an end to that system, but the interests of our own Lancashire manufacturers would be advanced. In the same way Ireland wanted a Legislative Assembly not only to raise wages and reduce hours, but to prevent the frightful condition of things that existed in the domestic workshops.

MR. WHITELEY asked, if Irish industries were carried on under bad conditions, what had the Home Secretary, who was responsible in the matter, been doing?

MR. BURNS said, if the Home Secretary, like all his predecessors, listened to permanent officials who knew nothing of the circumstances, and was circumscribed by red tape, he deserved criticism. Ministers too frequently listened to a class of people who constituted themselves a centralised and obstructive organisation, whose chief desire was to obtain their salaries for as little work as possible. He (Mr. Burns) wanted to remove that difficulty, and he hoped that many of the functions and duties now vested in the Home Secretary would be transferred to a Local Authority having a knowledge of all the circumstances. He was satisfied that, possessed of this power, the workmen of Ulster and Ireland generally would soon break out of their narrow sectarian and political partisanship, and would force their Representatives to shorten the hours and improve the conditions of labour.

MR. ILLINGWORTH (Bedford) said, he wished to call attention to the singular fact that the Amendment had been mainly supported by Lancashire Representatives interested in the cotton industry, while nothing was more notorious than that the cotton industry had no foothold whatever in Ireland. The woollen industry, on the other hand, was prosperous in Ireland. He was surrounded by Members representing the West Riding of Yorkshire, not one of whom had raised his voice against the Irish Parliament having absolute power over the factory system in Ireland. There never was a case

presented to the House having less foundation in fact.

MAJOR RASCH (Essex, S.E.) said, that his constituents who laboured in workshops would be prejudicially affected by this Bill. He could not help feeling that if factories in Ireland were run for 98 hours a week against 56 in this country we should not be able to compete, and many of our working classes would be thrown out of employment. He had no hope that the Government would accept the Amendment, because they showed such a benevolent attitude last night in respect to bounties; but if they did so, it would be in the interests of the working classes.

MR. ARNOLD-FORSTER (Belfast, W.) rose amid cries of "Divide!" He said he should not detain the Committee but a few moments. There was very little division between them. He had had an opportunity of discussing this matter with some of the leaders of Trade Unionism in Belfast, and their desire was to support the Eight Hours Bill. They sent over a delegate to the Trade Union Congress in England, and it was to England and Scotland that they looked for assistance in the matter. He contended, in answer to the speech of the hon. Member for Battersea (Mr. J. Burns), that Trades Unions in Ireland had had their origin almost exclusively in the North. It would be a most serious thing to cut off the industrial population of the North from the Trade Union organisation of this country, which was so well represented by the hon. Member for Battersea. It was for that reason that he supported the Amendment.

MR. FIELD (Dublin, St. Patrick's) said, he wished to make a personal explanation—[*Cries of "Divide!"*] The hon. Member for West Belfast had entirely ignored the Dublin Trades Council. This Council was the parent of all their Trade Unionism in Ireland.

Question put.

The Committee divided:—Ayes 268; Noes 298.—(Division List, No. 130.)

*SIR J. LUBBOCK (London University) moved to leave out the words "legal tender," in order to insert "currency." Her Majesty's Government proposed to exclude legal tender from the subjects with which the Irish Legislative Assembly was to deal, presumably be-

cause they wished to insure the continuance of a safe and satisfactory currency in Ireland, and to preclude the possibility of any different system of currency in the two Islands, with the fluctuations in exchange and the other evils which would result from any difference in this respect. The clause forbade coinage, and Story, in his work on the *American Constitution*, justly said—

“The same reasons which show the necessity of denying to the States the power of regulating coin prove with equal force that they ought not to be at liberty to substitute a paper medium instead of coin. . . . No one of these mischiefs is less incident to a power in the States to omit paper money than to coin gold or silver.”

These objects were not secured by the clause as it stood. Supposing that the Government of Ireland suppressed the present issues of the Irish banks—and there was nothing in the Bill to prevent them—they might issue notes of their own, even inconvertible notes to any amount. These notes need not be legal tender; the existing notes, were not legal tender. The temptation to issue them would be great; the mischief they might do still greater. In fact, all our currency legislation was based on the conviction, forced upon us by bitter experience, that it was not enough to provide that bank notes should be convertible, but that additional safeguards must be provided. If this was necessary in the case of the Bank of England, presided over by the leading merchants of London and with so long an experience in the past, how much more would it be required in the case of a new Irish Government, formed in defiance of almost every one of any commercial experience in that country? The Prime Minister, indeed, predicted that the Irish Government would have a “plethora of money”; but in that case why did he throw so unjust a proportion of Imperial expenditure on Great Britain? The Irish Home Rulers, on the contrary, said that the Bill, as its Financial Clauses stood, would mean financial ruin to Ireland, and they would, at any rate, be able to verify their own prediction. The temptation, then, to secure several millions of money by the issue of notes would be irresistible. In this anticipation he was not attributing to the Irish Government “a double dose of original sin.” On the contrary; the

uniform experience from China to Peru had been the same. No State which issued notes had been able to resist the temptation. Not only China and Peru, but the Argentine Confederation, Russia, Austria, Italy, and other countries had suffered injury to their trade and commerce by the unwise issue of notes. Indeed, as Fullarton, in his well-known *Treatise on the Currency*, justly said—

“There is not, I believe, a single example on record of the power of creating money out of cheap materials having been exercised by a Sovereign State for any length of time, or through any season of public difficulty, without having been abused. . . . The temptation to substitute issues for taxation, to relieve the wants of the Treasury by intercepting, through the depreciation of the currency, a portion of every payment in its transit from the pocket of the debtor to that of his creditor, becomes too strong to be resisted, and the iniquity is, probably, perpetrated with the general acquiescence of a community who are scarcely aware of its tendency. The career of debasement once entered upon, it has no pause till there is scarcely any value left to be destroyed.”

Whether notes were legal or not, a Government had the power of paying them away in so many channels that the metallic currency might be gradually driven out of the country. Story, in his great work on the *American Constitution*, laid it down that—

“The history of paper money without any adequate funds pledged to redeem it, and resting merely on the pledge of public faith, has been in all ages and in all nations the same. It has constantly become more and more depreciated.”

In fact, in all cases of Federalism the issue of notes was reserved to the central power. It was impossible to cite a Home Rule case, because no country in the world had ever given to any considerable portion of its territory rights and privileges which were denied to other portions. But in Federal Governments—in Switzerland, for instance, and Austria-Hungary—the regulation of the currency was reserved to the Central Authority. In Canada the several Provinces were precluded from dealing with currency, which was specially mentioned, as well as coinage and legal tender, which were expressly reserved to the Dominion Parliament. Was it to be supposed that the experience of Ireland would be different from that of every other country? Irish Members wished to encourage native industry, and one of the first conditions for success in that effort was a sound and

satisfactory system of currency. Few countries had suffered more than the United States from the abuse of paper money. Sir C. Lyell used to tell a story, in illustration of the American circulation, that when he was first in the West he found the circulation consisting mainly of small notes by private issuers and bills of exchange. On one occasion he was travelling on the top of a coach and asked a Western gentleman whether this small circulation rested on any basis. "Well," he said, "that depends on what you consider a basis. This time last year I was travelling with a friend and we had a bet on some oysters and porter. I lost the bet, so in the evening, when we had had the oysters and porter, my friend drew a bill on me, which I accepted and paid away to the hotel-keeper. It is still in circulation, and it rests on the basis of the oysters and porter we had that evening." Story said—

"The history of the paper currency, which during the Revolution was issued by Congress alone, is full of melancholy instruction."

He was as anxious for the prosperity of the trade and manufactures of Ireland as the Irish Members themselves could be; for the commercial interests of England and Ireland were indissolubly bound up together. There were no Party considerations involved in his Amendment. The question was one that should be considered without Party feeling, and entirely in the interest of Ireland. He believed that he should be supported by every banking and almost every commercial authority when he said that it was not sufficient merely to forbid the issue of legal tender. The insertion of the words "legal tender" only, would not have the effect desired by the Government. To secure the object which Her Majesty's Government desired it was necessary to extend the provision to all bank-notes, and therefore he moved to omit the words "legal tender," and to insert in their place the word "currency."

Amendment proposed, in page 2, line 13, to leave out the words "legal tender," and insert the word "currency."—(Sir J. Lubbock.)

Question proposed, "That the words 'legal tender' stand part of the Clause."

THE CHANCELLOR OF THE EXCHEQUER (Sir W. HARCOURT, Derby): I entirely agree with my right hon. Friend that this is a question that should be considered without Party feeling, and considered solely in the interest of Ireland. The Prime Minister was unable to wait for the discussion on this Amendment; but I represent him sufficiently in the matter, because he instructed me that he was against the Amendment. I do not agree with my right hon. Friend in the dangers he has anticipated in the event of the Irish Government issuing bank notes. Under the Bill the Government of Ireland are prohibited from making their notes legal tender. I admit that if the Irish Government had the power to make their notes legal tender the dangers which my right hon. Friend shadowed forth would not be exaggerated; but, as I have said, the Irish Government will not have the power of making their notes legal tender, and, therefore, I think there need be no fear of such dangers being realised. The right hon. Baronet also seemed to argue that it was necessary that the central power should enforce the same currency in all parts of the United Kingdom. But at present that state of things does not exist. The Irish banks got the right to issue £1 notes, for they said it was the currency which best suited the country. There is no danger in allowing the different parts of the country to have the currency most useful for their purpose without making it a legal tender.

*SIR JOHN LUBBOCK: I never argued that it was necessary to have the same currency in all parts of the United Kingdom, because I am aware it does not exist now. What I did argue was that the laws affecting currency should be made only by the Imperial Parliament.

SIR W. HARCOURT: I do not see that it signifies whether the Laws of Currency are made in Ireland or made here. In fact, the different countries are better judges of the currency most suitable to their interests than the Imperial Parliament. If the Irish Government chose to issue £1 or £2 or £5 notes which will not be a legal tender, why should they not do so if it be in accordance with the wants of the country? The notes, as I have said, will not be legal tender. You may take the notes or not as you please. I cannot see the

necessity for the Amendment which the right hon. Gentleman has proposed. If we are to give Ireland a Parliament surely we should allow that Parliament to select the currency best suited to the country.

*MR. GOSCHEN (St. George's, Hanover Square): I shall endeavour to conduct the controversy in the spirit in which it was begun by the right hon. Baronet, and in which the Chancellor of the Exchequer continued it. I wish also to speak with the greatest possible brevity in the matter, though it possesses far more importance than the Chancellor of the Exchequer seems disposed to attach to it. There are a great many points on which the Chancellor of the Exchequer seems to be correct; but he did not strike at the root of the proposal of my right hon. Friend. The Chancellor of the Exchequer says with great propriety that each country ought to have the currency most appropriate to its needs. He says—"If Ireland likes £1 notes, why should they not have them; if they want £2 notes or £1 notes, why should they not have the power of issuing them?" Well, I do not much disagree with that proposition; but the real point at stake here is this—whether the Irish Government, which I think we all admit will be an inexperienced Government, should have the power of issuing bank notes, and of changing and altering all the privileges which the banks enjoy in Ireland at the present moment? I am sure the Chancellor of the Exchequer will agree with me that it would be possible for the Irish Government to raise a very considerable sum by the issue of £1 notes. I will point out to the Committee how the notes can be forced in Ireland without being legal tender. The Government of Ireland, under the strain of a great financial difficulty, might say—"Here are the banks issuing £1 notes, why should not we issue £1 notes?" That would be a temptation felt strongly by the Irish Government, and the reply of the Chancellor of the Exchequer is—"Well, it is their own affair whether they yield to the temptation or not." I do not entirely admit that it is their affair, because there is a minority in Ireland whose interests need safeguarding, and I am not quite prepared to accept to the full the admis-

sion of the Chancellor of the Exchequer that we have really got no interest in the matter whether Ireland damages herself or not.

SIR W. HARCOURT: I did not say that. I said the people need not take the notes.

*MR. GOSCHEN: I admit that that is the point that must lie as the basis of my argument. If I cannot show that the people will take the notes our case is gone, or, at least, very seriously damaged. Let the Committee understand clearly that if the Bill is left as it stands the Irish Government will have the power to issue £1 notes, and they will also have the power to change the whole banking system of Ireland. That has been admitted by the Chancellor of the Exchequer. These are very serious powers to place in the hands of an inexperienced Government, as it is admitted the Irish Government will be. Not only may the Irish Government issue £1 notes, but there is nothing in the Bill to prevent the Irish Government from issuing the notes entirely unrepresented by gold, or represented only by one-third or one-fourth of gold; and, therefore, if the Irish Government wanted to raise half-a-million of money they could issue £1 notes to that amount without any reserve of gold. The temptation to the Irish Government to adopt that course would be great, not because the Irish have a double dose of original sin, but under the strain of financial difficulties to which Governments have yielded over and over again. Therefore, if the Government do not adopt the Amendment, I think we should restrict the power in the hands of the Irish Government of issuing notes without being represented by gold. But, says the right hon. Gentleman, how are they to get these notes into circulation if they are not legal tender? My answer is that Ireland is practically without any legal tender at all. The only legal tender in Ireland is the sovereign, and that one sees occasionally, but rarely, because the currency of Ireland practically is the £1 note. [MR. SEXTON: Except a limited quantity of silver.] There is a quantity of silver, which scarcely affects the argument. The whole people of Ireland are, therefore, in the position of being accustomed to £1 notes, which are not legal tender. Are we not, therefore, entitled to assume that if the

Government of Ireland are going to issue £1 notes of their own the Irish people will take them? [Sir W. HARCOURT: Over issue?] No; the over issue will not become known till afterwards. The greater the confidence placed in the Parliament of Ireland the more ready will the people be to take the £1 notes. I have pursued the subject from the point of financial need. But where will the public find the currency which they will require if the Government curtail the power of issue by the banks? I will put an extreme case. Of course, it will not be done; but if the Government of Ireland were to take away half the power of issue from the banks they would create a scarcity of currency, and that scarcity they would fill up by the issue of their own £1 notes. That is a very dangerous power to place in the hands of the Irish Government, and that is the position as it will be left by the Bill. I say it is a power which ought not to be given. I really do not see what answer there can be to that argument. Then there is the case of Ulster to be considered. If this be true with regard to the whole of Ireland, I think it will be specially the case with the trading part. It is quite possible that in the Southern and inland parts of Ireland, and in the smaller business transactions, the difficulty will not be so much felt as in those parts which deal largely with Great Britain, where they have to pay their debts in gold or English currency. It is extremely important that the currency of Ireland should remain on the soundest possible footing. I have not wished to overstate the case; but I have felt it my duty to put clearly before the Committee, not in any controversial manner, the real dangers I see to giving the Irish Government this power conferred by the Bill.

SIR W. HARCOURT: The right hon. Gentleman must see that the Amendment goes a good deal too far. For instance, supposing it should be found, as in the year 1844, that the issue of notes by private banks is undesirable and should be put an end to, why should not the Irish Parliament have power to regulate the currency of their country? Why should it be left to the Imperial Parliament, which knows very little about the wants and disadvantages of banks and currency in Ireland? The Amendment is intended absolutely to prohibit the

Irish Parliament from having any authority or power over the currency in their country.

*MR. GOSCHEN: If the right hon. Gentleman would suggest any course by which the danger could be guarded against should the Irish Government have recourse to issuing these notes and interfering with the rights of all the banks, and if he would see that there shall be some security for its being done on a sound basis, then I think a compromise might be arrived at. The Irish Members say it is going to be a very poor Parliament, and I say it is more dangerous to entrust this power to a poor Parliament. If the right hon. Gentleman will say that clauses shall be introduced to the effect that the Irish Parliament shall not have unlimited power over the issue of bank notes, I should then advise my right hon. Friend to withdraw his Amendment.

SIR W. HARCOURT: I am extremely anxious to meet the right hon. Gentleman, and I admit his great authority upon questions of this kind. Without undertaking to remove from the Irish Parliament all control in this matter, I will undertake upon the part of the Government, if the Amendment be not pressed, that we will consider whether or not any safeguards in reference to the currency may be introduced hereafter.

*MR. CLANCY (Dublin Co., N.) said, he hoped the Government would not make any concession whatever upon this point. The Amendments to the Bill might be divided into two classes. They had an example of one class in the last Amendment—an Amendment introduced in the interest of England. He had never heard such an exhibition of selfishness as was displayed by those who supported that Amendment. One would think that the conditions of Ireland and England were completely reversed, and that Ireland was a great and prosperous country, and that poor little England, with its miserable and struggling industries, ought to be protected. The other class of Amendment was, like the present Amendment, insulting. The ground upon which all these Amendments were based was that Ireland was not able to govern itself. That might be a very good hypothesis for opponents of the Bill to go upon; but it was no

nypothesis for those who supported the Bill to go upon. Those who supported the Bill ought to reject such an Amendment. The subject of the currency was a domestic matter. The currency of Ireland had been degraded only at the instance of England, yet they were to be lectured by gentlemen from Lombard Street as to what they were to do when this Bill was carried. He confessed that he felt indignant when he thought of these Amendments, indignant at being lectured by the right hon. Gentleman the Member for the University of London, and indignant at speeches like that of the late Chancellor of the Exchequer, the substance of which was that the Irish Legislature might cut their throats and might act as pirates and robbers. [*Cries of "No, no!"*] The supporters of the right hon. Gentleman cheered that interruption. ["No!"] They did not repudiate it.

*MR. GOSCHEN: I repudiate it.

*MR. CLANCY said, that the Front Benches differed from their supporters. Did the right hon. Gentleman think that they would act as madmen or rogues? [*Cries of "No!"*]

*MR. GOSCHEN: May I interrupt? The action which the hon. and learned Member calls the action of robbers and pirates has been the action taken by Governments over and over again in times of difficulty. I never suggested that it would be robbery or roguery, and I must ask the hon. Gentleman not to press that argument.

*MR. CLANCY said, that the tones of the right hon. Gentleman were mild, especially when he got up to explain himself, but his matter was aggravating in the extreme. He felt very strongly upon this point; he felt as if he were being treated as an inferior being as an Irishman. He appealed to the Chancellor of the Exchequer not to accept any Amendment upon this subject.

MR. A. J. BALFOUR: I want to point out to the Committee how difficult it is for us to conduct Public Business if hon. Members from Ireland, whenever the Government agree to consider our propositions, say that they see no sense whatever in them. The Chancellor of the Exchequer, with great fairness, has admitted that there is force in what so high an authority as the late Chancellor of the Exchequer said; and though he

could not accept the Amendment, he promised to endeavour to find words which would guard against the dangers feared, but which would not take out of the hands of the Irish Parliament the power they ought to have. What then occurred? A gentleman representing North Dublin, by way of illustrating the moderation, good sense, sanity, and general wisdom which is going to animate the Irish Legislature, declared that it was an insult to Ireland to introduce a clause which was to be found in every Federal Constitution in the world. Why is Ireland insulted by a provision which does not insult the American States, the Canadian Provinces, Austro-Hungary, Norway, and the Cantons of Switzerland? I might go on with the whole list. These sensitive gentlemen are so indignant at the very idea of the Government meeting the Opposition even on the strongest case that they jump up and wave the green flag, and behave in a way which certainly does not impress us, at all events, with any great idea of the wisdom and moderation likely to prevail in their Councils. It must be evident to the Committee that the issue of an inflated currency in Ireland would not be disastrous to Ireland alone, and it is not one of those purely Irish affairs which ought to be left to an Irish Executive. Under these circumstances, it certainly appears to me that the Government are not only meeting the Opposition in a conciliatory spirit, but are actually carrying out principles which they have over and over again professed from that Bench.

SIR W. HARCOURT: I would appeal to the Committee, as I understand there is no opposition to the withdrawal of the Amendment, not to continue the discussion. There is another Amendment upon this subject, and that will be the time to renew it. Why go on discussing this Amendment, which I understand is not to be pressed?

MR. SEXTON (Kerry, N.) said, that the present Amendment, like most of those that had been moved, rested upon the assumption that they were not to give Ireland any power whatever, because any power they gave would certainly be misused.

*SIR J. LUBBOCK said, he did not say that powers would be abused; but he thought it better for both countries that such an Amendment should be inserted.

Mr. Clancy

MR. SEXTON said, that came to the same thing. It rested upon the assumption that the power would not be so wisely used as they would wish it to be, and that the Irish people did not know their own interests as well as the people of this country did. Well, he denied that. He thought the Opposition were prejudiced and ignorant—he meant with regard to the affairs of Ireland. The argument was that the Irish were knaves or fools. [*Cries of "No!"*] The late Chancellor of the Exchequer pointed especially to the case of Ulster.

SIR J. LUBBOCK: I never hinted that there would be any knavery.

MR. SEXTON said, the foundation of the whole argument was that the power was certain to be abused. What did the introduction of Ulster mean? It not only meant that they would be such fools as to use these powers against their own interests, but that they would be such knaves as to misuse them specially to the wrong of Ulster. The Amendment was absurd.

*MR. GOSCHEN: I think it is very unfair to my right hon. Friend the Member for the University of London that he should be asked to withdraw the Amendment on the plea that it is an absurd one. The hon. Member does not assist the Government in the progress of the Bill by such a speech, which is calculated to tempt the Opposition, unless we were extremely virtuous.

MR. SEXTON: I have to say what I think, whether it assists the Government or not.

*MR. GOSCHEN said, then they would look forward with much more interest to the remainder of these debates. Were they not told by Irish Members, when they (the Opposition) moved Amendments, that they were attacking them and accusing Irishmen of being inferior to themselves in judging this matter? He rested the case entirely on the supposition that they might be in financial straits. He should say the same of Englishmen or of Scotchmen, and he would not trust them any more than he would trust the hon. Member for North Kerry to forego the right of using paper money. The case was somewhat different since he first spoke. They had now heard the views of the Irish Members, and the Chancellor of the Exchequer had been informed by one of them that he would not accept

any concession, and that no concession ought to be made. He only made that remark with a view to future occasions.

SIR T. LEA (Londonderry, S.) thought the hon. Gentleman had not done justice to his right hon. Friend who had moved that Amendment. The right hon. Baronet had pointed out that this was not a Party question, and he had appealed to the Committee not to treat it as such. There were other opinions in Ireland besides those represented by hon. Gentlemen opposite; and he thought they would admit that, in this instance at all events, he had the honour of representing the feeling of the greater part of those who were interested in banking, trade, and commerce. These gentlemen, as represented in the Chamber of Commerce of Dublin, tried to see the Prime Minister, and failed. The gentlemen interested in the Chamber of Commerce of Belfast did represent their views to the right hon. Gentleman, not, however, with complete success. Without wishing to attribute any evil designs to hon. Gentlemen opposite, he had to point out that there was an immense trade in Ireland amongst the banking and commercial communities; and it was felt that, unless some Amendment was introduced into the Bill, great damage would be done to these vital and important interests. The Chancellor of the Exchequer had agreed to some words being inserted, and he did not know whether the right hon. Gentleman would agree to accept the words which he (Sir T. Lea) had put down in a later Amendment. If so, he would not say one word to lengthen the Debate. This was a most important and vital question for those in Ireland. There was a paid-up capital reserve, in connection with the nine banks in Ireland, of more than £11,000,000, which, on the market, must be worth between £20,000,000 and £30,000,000. The gentlemen connected with this industry looked with dread upon this Bill—[*Irish cheers*—] without some provision such as he had on the Paper in a later Amendment; and he took it that the speeches that day and the cheers of hon. Gentlemen opposite would not do anything to soothe those fears. These nine banks had been managed with great success. Six had their headquarters in Dublin. Of those in Dublin only one paid less than 10 per cent., the others paying 10 and 11 per cent. Of

those in Belfast one paid 20 per cent.; one 18; and one 11 per cent. An hon. Gentleman behind him said it was scandalous. The hon. Gentleman must remember that in paying these dividends they were not paying them upon capital, but they had large reserve funds accumulated by care and management of previous years, which tended to increase the dividends on recent shares. He should not have thought that any man would have considered scandalous the wise and prudent management of these great institutions. One of these banks had taken counsel's opinion on this Bill, who stated that the Irish Parliament under the Bill, as it was drawn at present, would have power to control and to extinguish the note issue of the Irish banks. Was that a light matter? What was the note issue of the Irish banks? The Prime Minister, in reply to a question put a little time ago, told them that the note issue of the Irish banks amounted to £6,354,494. Were there any hon. Gentlemen opposite who thought that the future Irish Government would have plenty of money? The hon. Member for North Longford had told them it would be a bankrupt Exchequer. What was the bankrupt Exchequer to do when they saw this £6,354,494 issue of notes on which they could lay their hands? The Irish banks were legally and morally entitled to issue these notes by legislation made years ago, and was it right to hand over to a Parliament in Dublin this power, which would enable them to take away this right of issuing notes from the banks? Naturally, they would take steps for depriving the banks of this power. They might extinguish the notes of the banks and substitute an issue of State notes in exchange. The Prime Minister had said that the Irish Parliament not only had the right, but would be justified in dealing with this matter, and they would not be slow to accept that advice. Such a step, he contended, would have most disastrous results upon the commerce of Ireland. They could not compel the people to take notes unless there was gold in the vaults in place, and the only other course would be to compel the Irish banks to take £6,000,000 of Irish Government Stock in place of the power to issue notes. No bank would take Irish Stock in

place of gold. They had seen in the recent examples of the Australian banks the disaster which resulted from banks holding a large quantity of unsaleable securities, which in time of panic they would not be able to sell. This would be of no benefit to the Irish banks or to the Irish Legislature; and in the interests and at the request of many of these great institutions in Ireland, he was asked to oppose this Bill still more unless some restriction of this kind was put in.

Mr. MARTIN (Worcester, Droitwich) wished to remind the Committee that the question of the currency was not one of purely local interest to Ireland. Payments on account of the Customs, Post, and Telegraph Offices would have to be made in gold to the Imperial Exchequer, and any depreciated currency would be a serious matter not only for the Government of Ireland, but also for the Imperial Exchequer. Had he had longer time he would have tried to show that, in case of an issue of notes by the Irish Government not secured on gold, gold would be certainly driven out of the country, and a premium thereon would be the consequence. Just at this minute, when the wealthy United States of America were threatened with a gold premium, the danger was not imaginary, and might easily be a real one. The question was one of great practical importance, and required grave consideration. It could not be settled at one sitting of an impatient Committee.

*SIR J. LUBBOCK asked, was he to understand that the Government would introduce words to carry the principle of the Amendment into effect?

SIR W. HARCOURT: I said, in deference to the argument addressed by the late Chancellor of the Exchequer, that, while the Government could not accept these words, they would consider whether any, and what, safeguards might be necessary.

*SIR J. LUBBOCK: In that case I shall be happy to withdraw the Amendment.

Amendment, by leave, withdrawn.

Dr. MACGREGOR (rising at a quarter to 7), said: In accordance with the notice I have already given, I beg to move "That the Question 'that Clause 3 stand part of the Bill' be now put."

THE CHAIRMAN: I cannot, at the present time, accept this very important Motion of Closure. I think it would be altogether unreasonable for the Chair to accept this form of Closure from anybody except the Minister in charge of the Bill. When the proper time comes, no doubt if it is necessary to use this special form, or any other form of Closure, that will be done by those who are responsible for the management and control of the Business of this House.

DR. MACGREGOR: I am not going to make any remarks after what you have said.

*SIR J. LUBBOCK rose to move the following Amendment:—In page 2, line 13, after "legal tender," insert "banks."

It being ten minutes to Seven of the clock, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again upon Monday next.

ELEMENTARY EDUCATION (BLIND AND DEAF CHILDREN) BILL.—(No. 380.)

SECOND READING.

Order for Second Reading read.

*THE VICE PRESIDENT OF THE COUNCIL (Mr. ACLAND, York, W.R., Rotherham) moved the Second Reading of this Bill. The subject, he said, had been under the consideration of successive Governments. If the Second Reading were taken, the Bill would then be referred to a Select Committee, who would consider the whole subject.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Acland.)

MR. W. JOHNSTON (Belfast, S.): Will the right hon. Gentleman agree to extend the Bill to Ireland?

*MR. ACLAND: If it is found desirable to do so, I should have no objection.

MR. BARTLEY (Islington, N.) supported the Second Reading.

Motion agreed to.

Bill read a second time, and committed to a Select Committee.

PRISON (OFFICERS' SUPERANNUATION) (No. 2) BILL.—(No. 359.)

COMMITTEE.

Bill considered in Committee.

MR. WHITELAW (Perth) objected to further progress being made with the Bill.

ADMIRAL FIELD (Sussex, Eastbourne) said, he was thoroughly acquainted with the facts of this case. The Bill dealt with the case of a gallant officer, who would suffer a grievous injustice if the Bill were not passed, so he hoped the objection would not be persisted in.

MR. WHITELAW said, there were several important cases of the same nature to be dealt with in Scotland, and the Government refused to deal with them. Until he could receive an assurance from the Government that these cases would be attended to he was bound to object, and he could not give way to the hon. and gallant Gentleman, because he was pledged to three or four supporters of the Government to take this course.

THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton) said, these Scotch prison officers must be pensioned out of money provided by local rates; but this gallant officer, whose case was dealt with by the Bill, would be pensioned out of the Consolidated Fund—that was, out of the taxpayers' money. The questions were not in the least the same, and he must say the hon. Gentleman opposite, in the course he was taking, was rather exemplifying a certain proverb which he hoped he would not continue to exemplify.

MR. WHITELAW: I cannot withdraw my opposition unless I have an opportunity of conferring with hon. Gentlemen supporting the Government.

MR. CROMBIE (Kincardineshire) asked, whether the Secretary for Scotland would consider the cases of these Scotch prison officers?

SIR G. TREVELYAN thought it was impossible to call upon the Local Authorities, who were not bound by Statute, and he did not think were morally bound, to find the funds for the payment of the pensions to these officers. He earnestly trusted his hon. Friend would see the difference between that and a pension on the Consolidated Fund.

MR. GIBSON BOWLES (Lynn Regis) remarked, that the remedy was in the hands of right hon. Gentlemen opposite. If they put down the Bill as a first Order, and allowed time for its discussion, it would be duly passed.

Committee report Progress; to sit again upon Friday next, at Two of the clock.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 9) BILL.

(No. 378.)

Read a second time, and committed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 17) BILL (*by Order*)—(No. 376.)
SECOND READING. [ADJOURNED DEBATE.]

Order read for resuming Adjourned Debate on Amendment to Question [8th June], "That the Bill be now read a second time."

And which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Paulton.*)

Question again proposed, "That the word 'now' stand part of the Question."

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

Bill read a second time, and committed.

SALMON FISHERY PROVISIONAL ORDER BILL.

On Motion of Mr. Burt, Bill to confirm a Provisional Order made by the Board of Trade in pursuance of "The Salmon Fishery Act, 1873," relating to the Tees Fishery District, ordered to be brought in by Mr. Burt and Mr. Mundella.

Ordered, That Standing Order 193A be suspended, and that the Bill be read the first time.

Bill presented, and read first time. [Bill 389.]

MESSAGE FROM THE LORDS.

That they have appointed a Committee, consisting of Five Lords, to join with the Committee of the Commons (pursuant to Message of this House), on Electric Powers (Protective Clauses), and the Lords propose that the said Joint Committee do meet in Committee Room No. 3, on Monday next, at Two of the clock.

Lords Message considered.

Ordered, That the Select Committee appointed by this House to join with a Committee of the Lords on Electric Powers (Protective Clauses), do meet in Committee Room No. 3, at Two of the clock, on Monday next.—(*Sir J. T. Hibbert.*)

Message to the Lords to acquaint them therewith.

CANAL RATES, TOLLS, AND CHARGES PROVISIONAL ORDER BILLS.

So much of the Lords Message [8th June] as relates to Canal Rates, Tolls, and Charges Provisional Order Bills considered.

Ordered, That the Select Committee appointed by this House to join with a Committee of the Lords on Canal Rates, Tolls, and Charges Provisional Order Bills do meet in Committee Room A on Monday next, at Two of the clock.

Message to the Lords to acquaint them therewith.

Ordered, That Three be the quorum of the Committee.—(*Mr. Mundella.*)

OYSTER AND MUSSEL FISHERY PROVISIONAL ORDER CONFIRMATION BILL [*Lords*].

Reported, without Amendment [Provisional Order confirmed]; to be read the third time upon Monday next.

REDEMPTION OF RENT (IRELAND) ACT (1891) AMENDMENT BILL.

On Motion of Mr. T. W. Russell, Bill to amend "The Redemption of Rent (Ireland) Act, 1891," ordered to be brought in by Mr. T. W. Russell, Sir Thomas Lea, Mr. Dane, and Mr. Arnold-Forster.

Bill presented, and read first time. [Bill 390.]

DUCHY OF CORNWALL BILL.—(No. 312.)

As amended, considered; read the third time, and passed.

FRIENDLY SOCIETIES' ACT (1875) AMENDMENT BILL.—(No. 381.)

Considered in Committee, and reported; as amended, to be considered upon Monday next.

EVENING SITTING.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

AGRICULTURAL HOLDINGS (AMENDMENTS OF LAW).

RESOLUTION.

*Mr. LOGAN (Leicester, Harborough) rose to call attention to the defective working of "The Agricultural Holdings Act, 1883," and to move—

"That, in the opinion of this House, Amendments of the Law are urgently needed to enable the tenant to obtain adequate compensation on the determination of a tenancy for all agricultural improvements executed by him on his holding, to give greater security of tenure and freedom to make improvements, to cultivate and to sell produce without detriment to the agricultural value of the holding, to abolish the landlord's right to distrain for rent, and to simplify and cheapen the settlement of compensation cases and other differences between landlord and tenant."

He said: In moving the Resolution standing in my name, I do not intend to go at any length into the details of the defective working of the Agricultural Holdings Act, 1883, but shall leave that to the hon. Member for East Northampton (Mr. Channing), who has made the subject his special study, and who is, in fact, the real parent of this Motion. But, even if I were minded to go into the details of the many defects of the Act, I should scarcely know where to begin, for practical farmers assure me that the Act is so complicated as to puzzle lawyers to interpret it. One thing, however, is sufficiently clear to the farmer, and that is that under the Act he cannot obtain full and ample security for the labour, skill, and capital needed to make the business of farming profitable. He knows that under the Act he cannot obtain compensation for first-class improvements if, after making them, he has to leave his farm. He is aware that there is no provision in the Act to prevent a landlord raising the rent on a sitting tenant, and no machinery whereby a fair rent may be fixed. This is a hardship which mostly affects good tenants, who, having farmed the land well, are for that very reason at the mercy of their landlords, whilst the bad tenant, who has taken everything out of the land and put nothing in, is very well satisfied with matters as they stand. The farmer also realises that the system of arbitration provided by the Act is most costly. To put the matter in a few words, the farmer may, for all the assistance he gets from the Act, be slowly bled to death.

Under the present system of tenancy he may be bound hand and foot by a code of ancient customs and hampered by all sorts of conditions as to the manner of conducting his business, such as no other business man would tolerate for a single day. It might be asked why the farmer, being a free agent, endures such conditions. He is only nominally a free agent, for in reality he is bound by training, habits, and traditions to look to the land as the means whereby he shall get his living. If the land increased in the same ratio as the population of this country, we might with justice talk about freedom of contract; but whilst the ranks of the farmers are continually increasing, and the quantity of land suitable for cultivation remains practically the same, it is mere mockery to talk of freedom of contract between the men who hold possession of the limited commodity and the men whose daily bread must be won by cultivating it. I may be told that there are many vacant farms which may be had at almost any price and on any conditions of tenancy, and, without admitting that such a statement would convey the whole truth, I should say there are many farms which would be dear at any price, for under the wretched system which obtains in this country they have been so impoverished that the man would be mad who ventured to bury his capital in one of them, with the absolute certainty that it would be for the benefit of another man's descendants, and not for himself or his heirs. The present system not only allows of the confiscation of the tenant's capital, but adds insult to injury by making it possible for the farmer's son who succeeds to his father's farm to be compelled to pay, in the shape of an increased rent, what is to all intents and purposes interest on the capital which his father sunk in the land. Agriculture must, and always will, languish in this country until the farmer can look upon the land as his bank, in which he may during the days of his lusty manhood store his surplus energy and capital with the certainty that he will be able to draw upon it for support in his declining years. We are all agreed upon one point, and that is that the agricultural industry is to-day in a deplorable condition, and I fear I may add that the tenant farmer has not yet decided in

which direction he shall look for the remedy. On the one hand, he is told that bi-metallism is his only hope, whilst another counsellor assures him that Protection is his sheet anchor. To my mind both are equally delusive, and if the farmer drops the bone, bare as it is, to grasp at either of those shadows, he will sooner or later realise that he has again the worst of the experiment. Proposals such as those only serve to divert the farmer's mind from a contemplation of the only real remedy, which will be found in such alterations of our laws as will give him security and fair dealing—will place him on an equality with the man to whom he pays the rent. The present system of land tenure in England is frequently referred to as though it concerned only landlords and tenants; but the great mass of the people are as much concerned in seeing that the soil yields its best results as the two parties to land contracts. The people have a right to be heard in regard to land, and when the men of our towns have fairly grasped the Land Question, they will be heard and to some purpose. An authority who is in favour with gentlemen opposite just now—I mean Professor Froude—has said—

“But seeing that men are born into the world without their own wills, and, being in the world, they must live upon the earth's surface, or they cannot live at all, no individual or set of individuals can hold over land that personal and irresponsible right which is allowed them in things of less universal necessity.”

I do not hesitate to declare that, from the point of view of the masses, the present system has failed, and failed miserably. Here we are to-day, with the finest dairy land in the world, importing enormous quantities of dairy produce that might very well be produced at home. Our farmers are being undersold at their very doors by the small proprietors of Continental countries, in articles which are particularly liable to damage in transit. Why does the small proprietor of other countries beat our men? Because he has security for his outlay, the necessary incentive, the magic of property which turns sand into gold. Adam Smith never uttered anything more truthful, or worthy of being remembered in this discussion, than his—

“A small proprietor who knows every part of his little territory, who views it with all the affection which property naturally inspires, is

generally of all improvers the most industrious, the most intelligent, and the most successful.”

The small proprietors who beat our tenant farmers have all that is asked for by this Motion; they have full and ample compensation for all the time and money they spend on their holdings, they can cultivate as they like, and can make any improvements that may be necessary to keep them abreast of the times and enable them to compete successfully in the markets of the world. Under their system the cultivators work with confidence; get the very utmost from the soil, enrich themselves and their families, and each of them becomes a practical benefactor of his country. Compare that with the English system, under which the land is starved for want of labour and capital, because no sane man of business will embark his capital in an enterprise which he is not permitted to manage free from the meddlesome interference of others. Under our system the land has been impoverished and our rural districts depopulated. Why, 30 years ago our land nourished one man to every two acres, whereas to-day it needs three acres. It is not increase of population alone which causes us to import food so largely, it is also the abandonment of agriculture by our people. It needed a famine to repeal the iniquitous Corn Laws; will it need a revolution to amend the laws affecting land tenure, from which spring such dire results? It was Sir Charles Napier who said—

“All discontent springs from unjust treatment. Idiots talk of agitation; there is but one in existence, and that is injustice. The cure for discontent is to find out where the shoe pinches and to ease it.”

Farmers are in despair over their continued loss of capital; the labourer, unable to obtain remunerative employment in his native village, is reluctantly compelled to migrate to the town, and the townsman is gradually realising that impoverished rural communities are not good customers for the goods produced in towns, but they do supply an ever constant stream of hungry men who, in their eagerness to live, beat down wages, and add to the squalor of the slums. Security for the farmer's capital must be the first step towards the alteration of this condition of things. I will not use any words of my own to describe the probable effect of a thorough reform of the Land

Laws but will let the noble Lord the Member for Paddington (Lord R. Churchill)—who, I am sorry to see, is not in his place—speak for me. He says it would—

“Mean this, that new capital, new energy, new brains, new minds would be applied to the cultivation of the land. It would mean that prosperity, activity, energy would be visible throughout the whole of your rural districts.”

It is with a view to help in bringing about this desirable change that we submit this Resolution. We recognise that to secure the best results from our land, brains, energy, and capital are needed; but the present system drives all three into more remunerative channels, and the country suffers. It cannot be surprising that such is the result when we look to the method usually adopted in selecting tenants on large estates. The first inquiry in such cases is not as to whether the applicant is a practical farmer with ample capital, but too frequently it is whether he is a good Tory—

An hon. MEMBER: Give instances.

MR. LOGAN: A good Tory, a careful game preserver, and a staunch Churchman. The nation is becoming very weary of the effects of the system, although it has not yet realised the cause, and it is in the hope that landlords will help us to the only remedy before the people awake that we submit this Resolution.

*MR. CHANNING (Northampton, E.) said, he rose to second the Motion, and he desired to say that they did not wish to make this a Party question. One of the strongest reasons on behalf of the Motion was that he believed practical men on both sides of the House had come to look at these questions from much the same point of view, and were of opinion that some such legislation was necessary as was indicated in the Motion in the interest, not only of the tenant farmers, but of the labourers, and ultimately of the landowners also. It was in no sense a demand for class legislation, but for a national object. He wished to impress upon the House and upon the country

that this was not an attack upon the landlords of England. Everyone who was acquainted with the management of estates in England must feel the warmest admiration for the generosity, the foresight, the wisdom, and the scientific enthusiasm for agriculture which had led many owners to lavish money not earned by the land upon the improvement of their estates, and to promote the welfare of their tenants. What they found fault with was not so much the men as the system, or rather with a portion of the system, under which land was held. He would illustrate what he meant by the case of a landlord, well known as one of the leaders in a generous and forward policy, and wishful in all ways to promote the interests of his tenants. One of the leases on this estate provided a generous sliding scale for rent, and a most equitable scale of compensation for tenants' improvements, but also included a number of antiquated covenants and penal rents for their breach, which, had the matter fallen into the hands of a less considerate successor, might be used to crush and ruin the tenant. The Resolution covered proposals which were all explicitly or implicitly adopted at the important Agricultural Conference held in December last, at which all Parties were represented, and at which, he was glad to note, his right hon. Friend the Member for Sleaford (Mr. Chaplin), after a very forcible and eloquent speech from Mr. Clare Sewell Read, suddenly announced his conversion to this policy of amending the Act. He (Mr. Channing) would state their exact reasons for the several proposals in the Motion. What fault did they find with the Agricultural Holdings Act? He held that the Liberal Party had rendered great service in affirming in 1883 the principle that those who worked on the land should have an alienable right to be rewarded for the value added to the land by their outlay, skill, and labour. What they said was that the Act did not compensate the right men, did not give compensation for the right things, and that the complicated and imperfect procedure of the Act destroyed its objects. Sir James Caird, who most Members would agree with him in thinking

greatest authority in recent years, said at the very outset of the great agricultural depression in 1880 that the time had come for them to recognise the "truth, however unpalatable," that the relations between landlord and tenant should pass from those of blind confidence to those of strict business—when the tenant should have security of tenure and adequate compensation. He had always regarded it as unfortunate that the Government of the day did not pay heed to the suggestions of Sir James Caird. Sir James Caird prophesied that the Act which they were about to pass would not protect the men they really wanted to protect, the men who had given their money and their lives to the improvement of their holdings, and who wanted to stay upon them, and not to quit, the best farmers in the country; and "unless the interests of the sitting tenants, who are the real backbone of English agriculture, are recognised, the Bill will fail to give that security which would promote good farming and justify legislative interference with contracts." This prophecy had been fulfilled. Evidence before the Commission on the Depression of Trade proved that the old tenants remaining on their holdings had only had occasional remissions of from 10 to—certainly not more than 30 per cent., whilst new tenants were getting from 40 to 50 per cent. The whole of the facts showed that since the passing of the Act tenants had been paying rents largely out of capital, and so had been rented on their improvements. The argument used in 1883, in answer to Sir James Caird, was that there was no other means of protecting the sitting tenants except the "three F's," and that the Government were not then prepared to introduce that system into this country. He (Mr. Channing) said that if that argument was really sound, and this great wrong could not be rectified without the "three F's", then let the "three F's" be conceded. But if Sir James Caird's proposal was enough, he should prefer to try that. He hoped there would not be any desultory discussion in the course of the Debate as to agricultural depression, or as to the panaceas and Quixotic remedies for it that had been suggested. The Motion was specific enough, and he trusted that they would have from agriculturists on

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the other side arguments bearing upon the several points raised, instead of red herrings drawn across the track to tempt them into a crusade against the natural results of economic laws. What they wanted, then, was that when a tenant was entering on a new contract of tenancy, the whole of what he had contributed to the value of the farm should be considered in settling what the new rent should be. If they gave to the tenant the right he claimed, there would still remain the question of whether his loss on removal would not operate to check him and prevent him from claiming consideration for his outlay on the renewal of his tenancy. He was perfectly prepared, and he found agriculturists all over the country prepared, to authorise some kind of Land Court to assess the compensation for disturbance, which would probably take the form of an allowance to the tenant of a fair proportion of what he would lose by having to leave in consequence of his not coming to terms with his landlord. That reform, it appeared to him, would do almost as much as anything else to give security to the tenant. It was said, and they were told at the National Conference, that the tenants did not want fixity of tenure. He had an idea that they did not want to tie themselves down to their holdings under the present conditions of agriculture, but they did want a sense of security as to the future. They wanted to know that if their rights were interfered with they would be protected by the law. In the Richmond Commission one of the Commissioners, Mr. John Clay, in his interesting Report, had laid down the very principle on which this Motion was based, which was that tenant farmers should be compensated, not only for outlay on fertilisers and feeding stuffs and acts of husbandry, but also for their skill and energy, and for a long course of high cultivation, and for thorough working of the land, turning their farms into instruments of high agricultural value. The farm wrecker, the man who farmed to quit, and stole a great deal of the value from the soil, could obtain compensation, but the man who through his constant application and untiring energy contributed lasting value to the soil, under the present

law had to go absolutely without compensation. He (Mr. Channing) could give many instances in England in proof of this assertion, but he would refer briefly to one well-known case in Scotland, which was the first agricultural case he knew of in which the principle which Mr. Clay and those who supported the present Motion laid stress on was applied. There was a farm in the Southern part of Midlothian, near Gala-shiels, let on a 19 years' lease—the common form of lease in Scotland—at a comparatively high rent, and by an enormous expenditure on fertilisers and feeding stuffs—over £1,000 a year—he raised the stock-bearing power of the farm to three or four times what it was before, turning a poor hill farm into as good a pasture as any in Leicestershire. The result was that the farm was let to a new tenant at practically the old rent, something over £700, while neighbouring farms originally better had dropped 40 to 60 per cent., and the tenant had thus put about £300 a year into his landlord's pocket. When the lease was up he claimed compensation for high cultivation, and was awarded £300. That was a mere trifle; but the assertion of the principle was the important point. That principle they wanted to drive home for the benefit of English farmers—to encourage men to devote their energies to making the soil of England a real garden of fertility. He did not suppose hon. Gentlemen would seriously challenge either of these two propositions—that a continuing tenant should have what he had done on the land estimated and allowed for when he began a new tenancy, and that he should have full compensation on the determination of a tenancy for that good he had done to the land; if he remained on his holding as well as if he quitted it. He would now turn to the procedure portion of the Resolution. Sir James Caird's complaint was that the Agricultural Holdings Act was limited in its application to a very small class of tenants—the class that were leaving their holdings. But the Act had limited itself through its imperfections to a still smaller class of tenants. One of the agricultural papers a few years ago made inquiries of the principal land agents and valuers in England as to the working of

the Agricultural Holdings Act, and out of 150 replies received only 38 were in favour of the Act as regarded the rights of the tenants, and 112 were against it. They confirmed what was common knowledge, that one result of the Act had been, as was intended, to secure equitable agreements as to compensation being inserted in the leases, especially in the North of England; yet they all were unanimous in condemning the Act on the ground that it opened the door to practically unlimited counter-claims by the landlords, which scared away the tenants from their rights. In the replies received he found more than one who said that the effect of the Act had been to put a weapon into the hands of the landlords which they had never had before, and to open the door to claims which they had never made before. The injustice of some of these claims was shown by a case which was recently heard. A tenant claimed £40, and a counter-claim of £125 was made against him. The tenant fought the matter out, and was awarded £39 8s., while the landlord's counter-claim was cut down to £15. It was evident from this that the landlord's agent had claimed eight times more than he was entitled to. Some hon. Members might remember the paper read by Mr. Clare Sewell Read before the Farmers' Club, in which that gentleman narrated his own experiences. That statement illustrated both their proposal that a tenant should have full compensation for the value he added to the land, and their claim for freedom to improvement, and also the way in which the Act in working deprived a tenant of his rights, and he would, therefore, re-state it to the House. It appeared that Mr. C. S. Read had spent 16 years in turning a wilderness into a fertile garden, but the state of the law did not allow him to claim more than £98 for his outlay, and a counter-claim of £160 was made against him, and the total result of the matter was that he got £10 in respect of his improvements. Mr. Read sent the £10 note to a benevolent institution. His (Mr. Channing's) contention was that plenty of improving tenants might be secured if they obtained security enough. The Reports of the deputation sent down from Lancashire by the Lancashire Tenant Farmers'

Association to inquire into the results of Lancashire farmers settling in that county proved this. One point in the Reports was a criticism of the common sense of some of the Lancashire farmers in taking these farms in Essex with no more security than a five or seven years' agreement. They went in at a reduced rent, prepared to make a good many improvements. Well, the Resolution went on to ask the House to affirm the principle of abolishing the landlords' right to distrain for rent. He would not go into the reasons for that, seeing that they were familiar to all hon. Members; but, clearly, if there was freedom of improvement, and especially if there was an increase of small holdings, and, consequently, of tenants' improvements—for landlords could not make improvements on small holdings; they had not the capital, and the tenants could execute them more cheaply—there must be an increase of the credit of the farmers. The simplest way of doing that would be to sweep away the antiquated privilege of distress, because it had no logical or economical justification for its maintenance. The procedure of the Act he would not deal with in detail, but he would say this—that when he heard of people being afraid of a Land Court, it seemed to him that what they were afraid of was a word. What they had in the Procedure Clauses of the Agricultural Holdings Act was a Land Court—and a very bad one, too. What was wanted was a tribunal of some kind to settle differences promptly, equitably, clearly, simply, and cheaply, with a procedure that was not full of pitfalls. One of the things which would most frequently come before such a tribunal would be the determination of the fact whether the suggested improvement was an improvement or not—whether a tenant was utterly wasting his money, and whether an injunction should be issued to restrain him from carrying out a useless improvement. Obviously there must be a Court to try such a question as that. Both in regard to the Law of Distress and the point with which he was now dealing he had been gratified on looking over some old papers to find that that veteran agriculturist, Sir Thomas Acland, who for so many years had dealt with agriculture in the House had both sup-

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ported a proposal to do away with the Law of Distress, and had in a simple Bill brought before the House in 1882—a Bill which in some respects seemed to him (Mr. Channing) better than the Government Bill of 1883—proposed that compensation cases should be decided by the County Court, and that in certain cases only there should be a settlement by a single arbitrator. The proposal he had put before the House from year to year for settlement by a single referee had been successfully applied to Scotland in an Act passed for that country some years ago by the hon. Member for Leith. The main difficulty in the way was the valuers, who did not like to see procedure which gave them a great deal of work altered. But whatever system they adopted for constituting the Court; whether they had official valuers and a single referee taken from an official list—as arbitrations were decided under the Local Government Board in compensation cases under the Housing of the Working Classes Acts—or whether they had assessors with the County Court Judge, was matter for discussion; but whatever system was adopted it should be a simple one. From his experience and knowledge of agriculturists all over the country, there was no really serious difference between them on these points. He did not suppose that the definite proposition that he had tried to lay before the House would be seriously challenged by any hon. Gentleman opposite. They had been disappointed in dealing with the question of agriculture this year, but this discussion would give them a practical opportunity of threshing out at least the broad lines of the legislation which was urgently needed in order to enable the agriculturists of this country to compete successfully with foreign countries. If Her Majesty's Ministers looked favourably on this Motion, and it was carried, he did not see why the Government could not draw up between now and the Autumn Session, which seemed to be hanging over them, some proposals which might be discussed in the country before next year, and which might form the basis of practical legislation. It was in order that they might arrive at a solution of a question which everybody knew to be

ripe for solution that he had much pleasure in seconding the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, amendments of the Law are urgently needed to enable the tenant to obtain adequate compensation on the determination of a tenancy for all agricultural improvements executed by him on his holding, to give greater security of tenure and freedom to make improvements, to cultivate and to sell produce without detriment to the agricultural value of the holding, to abolish the landlord's right to distrain for rent, and to simplify and cheapen the settlement of compensation cases and other differences between landlord and tenant;"—(*Mr. Logan*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL KENYON-SLANEY (Shropshire, Newport) said, the number of Members in attendance was a convincing proof of the interest taken by those who had some practical acquaintance with agriculture in the question before the House; and the limited time they had at their disposal warned him that he must do his best to compress in as small a space as possible the straightforward observations he wished to make. In no discourteous frame of mind, and with no intention of being discourteous, he would make a remark or two on the speeches of the Mover and Seconder of the Motion. He thought there was no discourtesy in calling the attention of the House to the fact that the hon. Gentleman who had moved the Resolution had not thought it worth his while to remain in the House to hear what was to be said from the other side. In the hon. Member's absence he (Colonel Kenyon-Slaney) would briefly sum up all the reference he would make to him by saying that he acknowledged the hon. Member's merit; indeed, he was celebrated for the manner in which he rode across country; but if he would take the advice of a brother sportsman he would confine his attention to agriculture, to riding over other men's land rather than cultivating any of his own. He had to refer to the remarks of the Seconder of the Motion in quite a different spirit. He might differ with the hon. Member on

many points, and it might be his duty to be found in opposition to him in regard to some details; but in that which he regarded as the essential part of the hon. Member's speech in recognition—and in earnest and hearty recognition—of a wish to do practical justice to the farmers of this country, he was entirely with the hon. Member. He recognised the fact that the agricultural interest had the hon. Member amongst its advocates, as he had shown with what just discrimination he could speak on the subject. He could have preferred if the hon. Member had been a practical agriculturist, either as renting a farm or occupying his own land. If that had been the case, he should have expected that the hon. Member's remarks would have taken a different tinge; still, it was well that there should be in the House advocates of agricultural interests like the hon. Gentleman. Before dealing directly with the Motion he should like to make one or two general remarks, and the first was this—that the Agricultural Holdings Act was originally brought forward at a time when it was considered necessary and wise to safeguard tenants in the prosperous time of agriculture from the possible inclination on the part of the landlords to get rid of old tenants in order to enjoy any increased rental which might follow on a change of tenancy. That was the main danger which was supposed to be confronted by the Agricultural Holdings Act when it was originally brought in. But if that was the case, then could any hon. Member, however much wedded to the opinion that the tenant was all in the right and the landlord all in the wrong, deny that circumstances had changed since that day, and that, however valuable an Agricultural Act might be, and however necessary it might be to have one, it was not necessary for the same reason that made it necessary when the Agricultural Holdings Act was brought in? There had been a change in the condition of things. There was now no power, even if there was the wish, on the part of a landlord to turn out a tenant in order to enjoy increased rent from a successor. On the contrary, the saddle was on the other horse in the present race; and it was rather in the power of the tenant, and not the landlord, to dictate the con-

ditions on which a future tenancy should be held. As a second general remark, he would say that experience taught them that they were not wise to override the customs which had arisen in different parts of the country. They were all apt to treat agriculture as if it were military drill, which could be carried on in one county in the same manner as in another county. The conditions of agriculture varied north, south, east, and west, and the law that it might be wise to apply in one place it might be unwise to apply in another. Experience would teach them to be rather cautious in turning out a stereotyped, cast-iron, central *dépôt* for managing agriculture. These country customs had grown up from experience and from a knowledge of the requirements of each district. He would make one other general remark—namely, that, however valuable the question of the administration of the Agricultural Holdings Act might be, it had nothing whatever to do with the depression of agriculture at the present time. That Act did not touch the outside fringe of the difficulty. The facts of that depression were well known. They were within the knowledge of hon. Gentlemen on the Front Ministerial Bench, and they wanted no Committee to discover those facts. If hon. Gentlemen opposite wanted to deal with those facts, they could do so now, and to say that they wanted a Committee to obtain information was an idle way of playing with the question. If this Motion was to be the very sorry outcome of the professions of sympathy with agriculture by hon. Gentlemen opposite, he could only say that he condoled with their lame performance of their promises. However, such as it was, poor as it was, valueless as it was, and inefficient as it was, they were prepared to do their best to turn two and a-half hours' discussion on a Friday night to the best advantage; but if the Government thought there would be any feeling of gratitude to them on the part of the farming community, they must regard the farmers as greater fools than he took them to be. He had spoken a little disparagingly of the connection of the *Second* of the Resolution with agriculture. It might be asked what right he (Colonel Kenyon-Slaney) had to arrogate to himself a

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greater right to speak about agriculture than the hon. Member had? Well, agriculture was mainly divided between the management of large estates carried on through agents and the small class of what we called the squirearchy—the small resident country gentlemen living on their property of between 2,000 and 4,000 acres, and managing those properties in every particular themselves. Of that class he professed himself to be one. For many years past he had had to do with the administration of a property of that sort. No single act concerning any single tenant during that time had been done without his personal knowledge, consideration, and authority. Therefore, so far as practical experience was worth anything—and it might not be worth much, for it might be overridden by opposition practical experience—he claimed the right to speak with some knowledge on this subject. He asserted that in all his experience he had not found any great interest taken in the Agricultural Holdings Act; neither did he find more than one or two instances where the tenants were anxious to have it applied to them. With regard to compensation for improvements, he would undertake to say that there was a universal wish in that House that there should be absolute and complete security given to the tenants for all genuine improvements which ought to be put to their credit when the balance came to be struck; and if the Agricultural Holdings Act, as it now stood, failed to give that security, then the hon. Gentleman opposite was well within his rights in suggesting improvements. He (Colonel Kenyon-Slaney), for one, would earnestly hope to see improvements follow in the direction indicated. But he would remind the House that at present agreements—private agreements—between tenants and landlords overrode the Act, and were substituted for it. Under the present condition of things, the tenants found that they secured their future and provided better for the interests they had at heart by coming to a private arrangement with their landlords than by putting themselves completely under the Agricultural Holdings Act. The House, he thought, would not be acting in the interest of the tenants if it debarred them from taking advantage

of such circumstances as would give them the whip hand in making the arrangement. It was also sometimes forgotten that if the *Agricultural Holdings Act* were amended in one direction it must also be amended in another. If the right of the tenant to compensation for his improvements must be secured with greater tenacity and power, the right of the landlord to compensation for evil farming or neglect of contract ought also to be secured. Under the *Agricultural Holdings Act*, compensation might be claimed for corn consumed on a farm within a given time; and the proof of consumption was, generally speaking, the bills produced for the purchase of that amount of corn. He had once or twice heard the question raised whether it would not be fair to include corn produced on the farm under the same heading as corn produced elsewhere and bought for consumption on the farm. Inasmuch as the land would benefit as much from the home-grown corn as from purchased corn, and as all landlords were inclined to encourage tenants to use as much as possible the stuff they grew themselves, there was some reason for introducing an Amendment of this kind into the Act. On the question of tenure, the experiences gained in different counties might, of course, be very widely divergent. In his own personal experience, including that which he had gained as a trustee for other estates, he had found no desire on the part of tenants for any greater security of tenure than they possessed at present. He found no wish to obtain leases instead of yearly agreements. He knew of many cases in which the offer of a lease had been made, and many more in which the offer would be made to-morrow if any desire were expressed for it. Of course, if leases were granted the rents must be fixed in accordance with the length of years over which the leases extended. He could quite imagine that if he were asked to take a long lease he might prefer to remain in such a position that, by giving a year's notice, he could terminate the rent he had to pay rather than bind himself to pay it for a certain number of years. Further, a lease must carry with it a much greater expenditure on repairs. When a farmer died, and the practical work of carrying on the farm was vested

in his executors, a decided wish was often expressed to shorten the term. Probably it would be wise, in the interest of both parties, that a more rapid way of winding up the accounts should be found. As to improvements, the main suggestion of the hon. Member opposite was that the improvements the tenant could effect without the consent of his landlord should be removed from one Schedule of the *Agricultural Holdings Act* to another. His (Colonel Kenyon-Slaney's) experience was that there was not much eagerness to undertake expensive improvements, and that there was a general wish on the part of the tenants that the landlord should do the improvements, charging, if necessary, a fair percentage to the tenants. This was a plan which would, he thought, be more acceptable to both sides than the suggestion put forward by the hon. Member. As to the question of freer cultivation and sale of produce, the hon. Member talked of antiquated restrictions he had seen in some lease. No doubt such restrictions existed, but they were only inserted in leases as a safeguard against possible bad farming, and they were not, as a rule, put in force. He himself did not know of a single case in which such restrictions had been enforced against a tenant who was farming to stay. No doubt they were, and ought to be, enforced against tenants who were farming to leave. He did not, therefore, think that the restrictions really constituted any grievance. On some estates it was an unwritten law that the restrictions were not to hold good except during the last year of the tenancy. He could understand the hon. Member's reasoning on the question of distraint. The argument was that, if the landlord had not the first right of distraint for rent, the bankers would be more liberal in their loans to farmers. But surely this was a double-edged argument. If the landlord was not to have a right of distraint, how could he possibly give the three months' credit which he almost invariably gave now? He thought that if practical farmers were to be asked whether they preferred a system under which the rent was to be paid regularly and definitely on the day on which it became due, and under which they might possibly obtain loans

from bankers at a lower rate of interest, to the present system, they would say that they preferred to let things remain as at present. He was sure that gentlemen who looked at the question, not from a political or a vote-catching, but from a practical point of view, would admit that, in times of pinch and difficulty, many farmers were only able to carry on their holdings through the forbearance and goodwill of the landlord. In how many cases had the capital of the landlord been at the back of the tenant, and in how many cases had the assistance of the landlord enabled the tenant to get over bad times? He asked the House, under these circumstances, to hesitate before adopting a system which would prevent the landlord placing his goodwill and his credit so often at the back of his tenants in cases of temporary difficulty. Then came the question of cheapening and simplifying the method of procedure. Those were very popular words. Theoretically, everybody was anxious to simplify everything, especially when they had to deal with lawyers; whilst, as to cheapening, there would be no such popular man in the House as he who showed the farmers how to cheapen any process which they were obliged to carry out. If Land Courts were to be set up, it would be necessary to have them practically in every county and district. The expenses of such Courts would have to be paid either by the fees of those who resorted to them, or an income must be provided for them out of the Consolidated Fund—against which, he thought, the Chancellor of the Exchequer, as the guardian of the public purse, would kick—or out of those rates and local sources of taxation which were already considerably overburdened. As the hon. Member had spoken about dragging a red herring across the scent, he had thought it necessary to deal with the arguments that had been used one by one. He hoped he had been a true hound, and had kept his nose right down to the scent, and he believed he had not been far from killing his fox. Although there might be a fair opening for considerate amendment and possibly for improvement of the Agricultural Holdings Act, and although he would be the last to deny that an Act brought in early in the 70's and amended in the 80's might

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possibly be re-amended in the 90's, he thought he had shown some reason why Members should hesitate a bit before coming to the conclusion that all was wrong with the present Act, and that all the alterations that could be introduced would necessarily be welcomed by the agricultural interest. It would be to agriculturists a matter of considerable interest that the general statement on behalf of the Government should be made by the Minister primarily responsible for agriculture. Agriculturists regretted very much that in the present Ministry it had not been thought possible to give agriculture a voice in the Cabinet itself, as the Conservatives had done. They were, however, anxious to give every credit to the President of the Board of Agriculture (Mr. H. Gardner) for the course he had pursued since he had been in Office. The Amendment which he (Colonel Kenyon-Slaney) hoped to have the chance of moving later was not intended to burke the question, but to take it out of the region of absurd generalities and abstruse theories which agriculture was too apt to occupy in the House of Commons. If right hon. Gentlemen opposite would only withdraw from Home Rule a little of the time that was now devoted to it and give it to agriculture, it might be possible to arrive at some conclusion which would be of more value to the country than Home Rule could possibly be.

*MR. W. SMITH (Lancashire N., North Lonsdale) said, that the question raised by the Motion played a very important part in the electoral contests in his own and neighbouring constituencies, and he had endeavoured to place in a practical form the view he held as to the remedies that should be adopted. In order to make room for the Motion, however, he had thought it necessary to take off the Order Paper the Bill which he introduced on the subject at the beginning of the Session. Lancashire farmers had been active in promoting the Conference respecting the depression on agriculture that was recently held in London; but nothing was further from their thoughts than that the Central Chamber of Agri-

culture, having readily adopted their idea, should abuse the power they possessed for the furtherance and promotion of the doctrines of protection and bi-metallism. He thought it approached to a national calamity that the deep public sympathy that was evoked at the time on behalf of the agricultural interest should have been alienated by the selfish proposal that was made the leading feature of the Conference. Undoubtedly the questions of protection and bi-metallism were put forward at the Conference as the only practical remedies for the present depression. The tenant farmers of the North of England, who had no faith in these suggested remedies, had in consequence formed themselves into an independent Federation, of which he had had the honour of being elected the first President. The right hon. Gentleman the Member for Sleaford (Mr. Chaplin) had at the Conference uttered what was almost a truism when he said—"What Lancashire thinks to-day England will think to-morrow." It was his (Mr. Smith's) object to tell the House what Lancashire and some neighbouring counties did think to-day in this matter. He believed that, owing to the vast development that had taken place in North and South America, and to the important change that had occurred in the methods and cost of transit, a complete revolution had been brought about in the conditions under which the English farmer worked. It was essential to the farmers of this country, if they were to be successful, that they should be no longer handicapped in this manner. No mere tinkering of the *Agricultural Holdings Act* would meet the case. There must be a radical change in the existing system of holding if any lasting and satisfactory improvement was to be effected. The first essential for the British farmer was that he should be freed from the fetters of old-fashioned covenants binding him to very restricted methods of cultivation, and placed on an equality of condition in this respect in his struggle with foreign competitors. It was more important still that he should be given absolute security of tenure; that he should be safe from vexatious or frivolous eviction, and should practically be placed in an equal position to the man who owned the soil he worked.

Absolute security of tenure would be of advantage in the better cultivation of the soil, not only to the farmer and the nation, but also to the landowner. Some ready means also should be found by which the rent of land in this country could be adjusted to the value of land in other competing countries; and he believed this might be done by the establishment of a system of Land Courts, which should be easily accessible, prompt in action, and cheap in process. If those conditions were insured to the tenant farmer, and the whole question was dealt with wisely, but boldly, he believed an enormous and most gratifying change would shortly be witnessed in the agricultural industry of this country; and, at the same time, although incidentally, another great question would also be solved—namely, the provision of employment for much larger numbers in the cultivation of the soil, and something be thereby done to not only stop the lamentable depopulation of our country districts, but even to turn the current in the opposite direction, and relieve our cities of that excess of population, the over-crowding and unhealthiness of which was such a serious danger at the present moment.

*MR. CHAPLIN (Lincolnshire, Sleaford): Both sides of the House, I think, have reason to be grateful that the Debate has taken place. For my part, I do not think I can complain of the speeches that have been made. The Mover of the Resolution at one time, I thought, was getting beyond his depth; but I may say that the speech of the hon. Member for Northamptonshire was heard with pleasure on both sides of the House. If I may be permitted to say a few words, I shall do so without delaying the House. There is no one, Sir, who has maintained more strongly than I have the right of every tenant to full and fair compensation for the improvements which he may make upon his holding in the event of his leaving it. If there is anything either in the circumstances of the tenant farmer or in the existing law which debars him from obtaining such compensation, I am perfectly ready to amend the existing law. But, Sir, I ask the House, what are the

facts—the undoubted facts—of the situation, which are perfectly well known to everyone who has a practical knowledge of the subject? Why! There never was a time, within the present generation, when tenants, as a rule, occupied a stronger position of vantage for making fair and reasonable agreements with their landlords than they hold now. We see it every day in the taking and letting of farms, which in consequence of agricultural depression, I regret to say, are far more numerous than they were some years ago. When a farm is let, what is the first and the most important thing that has to be settled? The first thing a tenant has to decide is the rent he is able and willing to pay; and at present in nine cases out of ten—I may say, indeed, in ninety-nine cases out of a hundred—it is the tenant who dictates the rent and makes his own bargain; and if he is able to make his own terms about the chief and most important item of all, *à fortiori* he is able to do so about the other terms of his agreement, which are matters of minor importance. There is one other matter I wish to refer to. To begin with, the question of amending the Agricultural Holdings Act has absolutely nothing to do with the question of agricultural depression, and in considering the Act we ought to put that subject entirely out of mind. This is an opinion which has been held by English Members of all shades; and I may even appeal to a Member of the present Cabinet, who, in a book which he has recently published entitled *Agrarian Tenures* declared that the application of the law in this matter dealing with the condition of the agricultural classes was no remedy for bad harvests and low prices. With his words I entirely agree. I think the House will admit that we have gone a good length in the improvement of the tenant farmers throughout the country; and at the present time, as I have said, they occupy an advantageous position in making a bargain of their own. There may, of course, be exceptions. I am aware that there have been complaints as to the working of the Act, and those complaints have not always been limited to districts where the farms are small; but, as far as I know, the complaints have usually been directed rather against

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the administration of the Act than against any defect in the Act itself. I have watched with great interest the progress of this Debate and the speeches of hon. Members, especially that of the Mover of the Resolution. The hon. Gentleman who brought forward the Motion made a startling statement as to the policy of landlords in selecting their tenants. It is a policy of which I never heard before. He said that if a man applied for a vacant farm the landlord did not go to the applicant's banker to ascertain whether he had sufficient capital, or make inquiries as to whether he was a good farmer or not, but that he merely asked whether he was a good Tory and voted straight. That may be the way in which the hon. Member deals with his tenants, but it is certainly not the way in which landowners deal with them; and, therefore, I feel bound to give the hon. Member's assertion the most complete and emphatic contradiction. The hon. Member for Northamptonshire complained that the Act does not compensate the right man, or give compensation for the right thing, and asserted that in these days rents were habitually raised upon a tenant in respect of his own improvements; but, Sir, the fact is that, so far from rents being raised, there has been an unprecedented and unparalleled fall in rents, in some cases amounting to 60 or 70 per cent.; and, therefore, it is absurd to contend that rents have been habitually raised on improvements. The hon. Member then dealt with the case of what he called "the sitting tenant"; and went on to say—I was not able to follow him clearly, but he said, I think—that this was one of the cases in which complaint was made that rent was imposed on the improvements made by the tenant.

MR. CHANNING said, what he did say was that compensation was not given to the sitting tenant.

*MR. CHAPLIN: I understood him to say that rent was imposed on improvements.

MR. CHANNING said, he meant that injustice was done where a sitting tenant had made improvements, and the rent, whether it was raised or reduced, did not allow for those improvements.

*MR. CHAPLIN : I do not yet clearly follow the hon. Member. During the past 10 years there has been a great increase in the reduction of rents. We have it from official Returns that there has been unquestionably a general fall in rents all over the country. The hon. Member deals with compensation to the sitting tenant. I never could quite follow that argument, for the landlord could have no power to raise the rent on the sitting tenant until he has given him notice to quit, in which case the sitting tenant becomes at once the outgoing tenant, and then he is free to make any terms he chooses with the landlord.

MR. CHANNING : I suggested compensation for disturbance.

*MR. CHAPLIN : I will come to that directly. The hon. Member thinks the sitting tenant should be compensated in his improvements, but he knows this cannot be done without establishing judicial rents. But the hon. Member is not in favour of judicial rents, and so he urges that compensation should be given for disturbance. Let me examine the agreement in the matter of compensation for disturbance. I take the case of a vacant farm which is in the market. It is a grand farm, belonging to a well-known and popular landlord, and to be let at a reasonable rent, and there are various applications for it. A, B, and C are all very anxious to get it, and to enjoy the profits which they foresee. A is the fortunate tenant who is selected, and holds the farm during some years, and all the advantages which he derives from it, while B and C are left out in the cold. At the end of that time, for some reason or other, the landlord requires to resume possession of the land. A receives, as a matter of course, full compensation for all he has spent, and all his improvements, of the fruits of which he has been deprived. But, according to the hon. Member, that is not enough. Over and above his improvements he is to receive compensation for disturbance. In other words, although he was selected in preference to B and C in the first instance, he is to be paid in full, not only for his improvements, but for the loss, or, rather, the

non-continuance of an advantage which was conferred on him in the first instance, while unfortunate B and unfortunate C never got anything at all. Looked at from that point of view, that policy cannot be justified for a single moment. The hon. Member has referred to the complaint made by Mr. Clare Read ; but that gentleman complained not of the unfairness of the Act, which, he said, had never received fair play, but of its administration. The hon. Member has also alluded to the question of the landlord's right of distraint. The hon. Member said there was no logical justification for it. That may or may not be. It is perfectly open to anyone to argue that that right should not exist as between the other creditors and the landlord ; but I do not hesitate to say that, looked at from the point of view of the interest of the tenant, if you abolish the right of distraint, you do one of the greatest injuries you could do to the tenant himself. I may remind the hon. Member that Mr. Clare Read himself said at St. James's Hall that he thought the Law of Distress operated in favour of the tenant rather than against him. That is an opinion with which I entirely coincide, and solely in the interest of the tenants I would much regret to see this part of the Motion adopted. I now come to the question of a cheaper mode for settlement of compensation. Here I am glad to say that I agree with the Seconder of the Motion to this extent : that I think there is considerable room for improvement in the existing Act in that respect. I am not prepared to say now how that improvement can be effected, because it is a matter that requires very careful and anxious consideration. But that is a matter of detail which can be very properly dealt with by other means, though it may be that there is some necessity for re-considering some of the points of an Act which was passed 10 years ago, and which I would also remind the House was passed by a Liberal and not by a Conservative Administration. I cannot compliment the author of the Motion, whoever he may be. It is a little difficult to understand it ; but it is, at least, very comprehensive, for it embraces a great number of points, some of which have not been mentioned either by the Mover or

Seconded. The Motion asks for greater freedom for the tenants to make improvements. I really do not understand what that means. As far as I know, tenants have every freedom to make improvements at the present time; and I imagine the more improvements they make the better pleased will that landlord be as a general rule.

MR. CHANNING: What about the right of compensation?

*MR. CHAPLIN: Compensation is a matter for agreement at the time of entering upon a tenancy, and, in the absence of any such agreement, the Act comes into play. It is quite true that with regard to certain improvements, such as buildings, the consent of the landlord is required in the first instance, but I do not understand that the hon. Member wants to get rid of that consent of the landlord in the first instance.

MR. CHANNING: I want to put them on the same footing as drainage.

*MR. CHAPLIN: Such a proposal would not be desirable. It would tend to set up in England a dual ownership, which is the very thing which was so objected to in Ireland, and which all Parties desire to get rid of. The last speaker complained bitterly that bimetallism and Protection were put in the forefront at the great meeting in St. James's Hall. But by whom were they put in the forefront? The organisation of that great meeting was carried out by a committee of gentlemen appointed at a large meeting of the Central Associated Chambers of Commerce, each name having been debated and put to the vote. The first suggestion for the Conference came, I believe, from the County of Lancashire. In that the hon. Member was right; but so far from agreeing with him that Lancashire was not represented, I say that it was most effectively and effectually represented, amongst others, by a gentleman who is Chairman of a rival Association to the Association presided over by the hon. Member.

*MR. W. SMITH: The Members of that Association publicly repudiated the proceedings at the Conference, and de-

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clared that if they had known the intended nature of the proceedings they would not have attended.

*MR. CHAPLIN: That is not my recollection of what occurred. The hon. Member referred to the statement of Mr. Clare Read, that there were 400 farms given up in Norfolk during the present year, and that only two of these were given up under the Agricultural Holdings Act. The difficulty in Norfolk is not with the Act, but with the valuation, for during past years farming in Norfolk had been conducted under a system of leases. On certain estates the tenants were allowed to do everything they pleased with the land until the last four years of the lease, and then it was expected that the farm should be given up in the same condition as it was when taken. In a country like that, where valuations of the same kind formerly were not required, I do see reasons why difficulties should arise under the Act. The statements of the late Lord Derby and the late Sir James Caird have been quoted, to the effect that if the farmer had proper security the produce of the country could be increased 50 per cent. No doubt, if it paid to produce it. But how is it possible, in the face of constantly falling prices, to give security to a tenant who may invest a great deal of money in the land that he will have a proper return? I was associated with Sir James Caird in the closing years of his life, as head of the Department over which I presided in the late Government. I had the inestimable advantage of consulting him on the agricultural questions of the day, and I can tell the House that Sir James Caird, in his latest days, held a totally different opinion, and in view of the fall of prices looked forward with anything but satisfaction to the future of agriculture in this country. The hon. Member says we must have no tinkering with the Agricultural Holdings Act. He wants a sweeping change in the law. He scoffs at bimetallism, and advocates Land Courts, judicial rents, and, I suppose, fixity of tenure, in the interest of the agriculturists. But have we not experience of the results of that system already? It has been the law in Ireland for 11 years

and yet what does one of the great champions of the tenant-farmers of Ireland say of their condition to-day? He says—

"The adoption of bimetallism, or some similar remedy, I am convinced, is a matter of imperative necessity; that is, if the agricultural tenants of Ireland—and I do not at all limit this to Ireland—are not to be driven to inevitable ruin and destruction."

That is the condition of the tenants of Ireland, according to one of their greatest supporters, after 11 years of the system which the hon. Member desires to establish in this country. There are some things in this Motion which are hardly accurate; others that are undesirable; one that would be highly injurious to the tenants, and others with which I concur. But even if every word in the Motion was absolutely true and accurate, what earthly use will it be to agriculture to pass an Abstract Resolution of the kind, and to do nothing more? I do not know what course the Government are going to take; but I know well that in days past the Prime Minister has always been ready to condemn the acceptance of abstract Resolutions when the Government had no chance of giving them effect. The Government may adopt this Motion declaring that an amendment of the law is urgently needed; but they have not the slightest intention, or if they have the intention they have not the possibility, of carrying it out. I would advise my hon. Friends on this side of the House—if I may be permitted to do so—to allow this Amendment which is now before the House to become a substantive Motion; then my hon. Friend behind me could move the Amendment of which he has given notice, and if that Amendment be carried—as we may reasonably expect it to be—we will have succeeded in converting this wholly ineffectual Resolution into some practical good.

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. H. GARDNER, Essex, Saffron Walden): I am glad to be able to congratulate the House on the amicable manner in which the Debate has been conducted, and on its freedom from the heat and the per-

sonal recriminations to which we were accustomed in discussions of this kind. I am also glad to hear that the subject of compensation to the tenants is one on which both sides of the House are agreed. The right hon. Gentleman the Member for Sleaford referred to Mr. Clare Read—an authority on agricultural matters, which was accepted by both sides of the House—as having objected, as I understood it, to the Agricultural Holdings Act as regards its administration, but not as regards the Act itself. Well, Mr. Clare Read's words at the Conference were that the Act operated where it was not wanted, and that where it was most wanted it did not operate at all. That is hardly a matter of administration, and shows, I think, that Mr. Clare Read deems some amendment of the Act of 1883 necessary. In examining the Motion before the House I would say, in the first place, that no one can be surprised that this subject should be pressed on the attention of the House at the present time. Everyone will admit that we are passing through a period of agricultural depression. When I look back through the volumes of *Hansard*, and read the Debates of past times, it seems to me as if we have always been in a state of agricultural depression. But if it was true in 1835, and was true in 1881, I do not think that anyone will deny—least of all the Minister who has the honour of presiding over the Agricultural Department—that in 1893 the agricultural outlook is far from being satisfactory, and that the agricultural problem has still got to be dealt with. Many methods of grappling with the problem have been put forward. In my opinion, the Resolution now before the House, though not professing to be a universal and everlasting panacea for all the difficulties, indicates a natural and wholesome policy, which contrasts favourably with such artificial and restricted remedies as Protection and Bimetallism. I ask what is the agricultural problem? Everyone will, I think, agree that the problem is to make agriculture a going concern, not by artificial and unhealthy means, but by endeavouring by all just and equitable means to give free play and encouragement to the enterprise and initiative of all engaged in the working of the soil.

I wish to discuss this question without Party heat and without needless re- crimination. But I am bound to say that if there be, as there is said to be, a lack of enterprise and initiative amongst the farming classes, an adherence to old and sometimes effete methods, and an over- cautious shrinking from new and venture- some paths it is due in the main to the manner in which hon. Gentlemen oppo- site and those who follow them in the country, if not openly, at least by sug- gestion, have in many instances for a long time past pointed out to the British farmer that the one way out of his diffi- culties is the broad and easy road which leads to Protection. The Resolution aims at the removal of unnecessary hindrances to the freedom of cultivation and the development of agricultural enterprise, and in that direction I am sure it has the warm support of every Member on this side of the House. It is impossible to discuss the subject with- out making some reference to the pro- posal made by the Government at the commencement of the Session with re- gard to the appointment of a Committee on Agricultural Distress. The Motion for the appointment of that Committee is on the Paper to-night, and it is open to hon. Gentlemen to accept it even at the eleventh hour. The opposition to the appointment of that Committee seemed for a long time to be merely on the ques- tion of the terms of Reference; but when the Government offered to re-consider that question, they were met by a final and decisive refusal of all inquiry, given by no less distinguished a Member of the Party opposite than the right hon. Gentleman the Member for Thanet (Mr. J. Lowther).

MR. CHAPLIN: I do not think the right hon. Gentleman could have been in the House this afternoon, or heard what occurred, for I offered to withdraw my Amendment if the Government accepted the Amendment standing in the name of their own follower, the Member for the Woodbridge Division.

MR. H. GARDNER: The object of the Amendment to which the right hon. Gentleman refers is to make the Com- mittee a Bimetallic Committee, and the Government have no desire for that. If the

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Reference of my hon. Friend behind me were adopted, the Committee could not in- quire into the working of the Agricultural Holdings Act, a matter which we wish to refer to it. Hon. Members opposite have hitherto objected to the appoint- ment of a Committee, but when they are confronted with a proposal as to the reform of the Agricultural Holdings Act, they seek to get out of the difficulty by suggesting a Select Committee them- selves. I have no doubt that had our Committee been appointed this question of the Agricultural Holdings Act would be among the first of the subjects investigated by the Committee, and the House might now have been in possession of a valuable Interim Report embodying the recommendations of such an authority. Our position, at any rate, is clear. We have suggested a method of investigation; we have put a Motion on the Paper, and it is for hon. Gentlemen opposite to accept it or refuse it as they wish. Still, though we have not got the Committee, it is possible to lay down certain broad and general principles on which legislation might proceed, and indicate the direction which the Amendment to the law might with advantage take. It is of impor- tance to the public that such security be given to the cultivator of the soil as will ensure the greatest amount of fertility. These are not my words, but the words of the right hon. Gentle- man opposite, uttered 10 years ago, on the adoption of the Agricultural Holdings Act. To obtain that maximum fertility several things are necessary. In the first place, there must be the fullest possible facilities for the application of capital to the soil. Next, every possible means must be taken to secure to the cultivator the full value of any outlay he may incur, either in the ordinary course of cultivation or in connection with any improvements he may be authorised to make. In the third place, the tenant must be placed in as advantageous a position with regard to restrictions hampering him in the conduct of his business as, I am bound to say, is now permitted by every prudent and liberal-minded landlord. If it be good for the country—as I think it is—that the law should not impede the application of capital to the soil, or restrict in farming that initiative and energy which have brought success in

other branches of industry, then there is much scope for the Resolution before the House. How does the Resolution meet these propositions? In the first place, we are asked to secure to the tenant greater freedom in the making of improvements, and greater certainty that on the termination of the tenancy he will obtain the value of the improvements he has effected, whether he leaves the farm or enters on a new agreement. As long as one man owns the soil and another cultivates it, permanent improvements should be made by the landlords, otherwise we run the risk of establishing dual ownership with all its attendant grievances. We have to deal, however, not only with the landlord, who is willing and able to make improvements, but with the unimproving landlord and the landlord who will not allow improvements, and it seems to me that to the proper cultivation of the holding nothing should be allowed to stand in the way. As has been pointed out in the case of drainage, the tenant's title to require the landlord to do something, or to have the power of doing something himself, may fairly be a subject of discussion, but we have no reason to doubt there are other works that might with advantage be placed in a similar situation. With regard to improvements of a less permanent and simple character, I think it would be necessary that careful examination should be made before coming to a decision as to the proper category in which they should be placed; but for a large class it appears to be clear it can be beneficial to no one that such operations should be hampered and restricted by fear of loss at the end of the tenancy. That is a conclusion, I think, that will meet with general approval in this House, and in that connection I may point out the more we secure a tenant against the loss of his improvements the better would be the safeguards against any arbitrary determination of his tenancy. To stereotype the existing relations between landlord and tenant would be neither beneficial to the one nor to the other. It seems to me, and I think even to some hon. Gentlemen opposite, that the circumstances of the moment are far from being unfavourable—that they are favourable to the objects which this Resolution has in view. The tenant, as has been pointed out, is just

now better able to make terms for himself than he was in the past, and no one will deny that many well-advised landlords at this moment shut their eyes to these restrictive covenants, and do not enforce the equitable rights that exist. I have always stated my own feeling has been in favour of giving the tenant as free a hand as possible. It has been said in days past it would be far better to do away with all restrictions in the cultivation of the land on the ground that if a tenant is fit to be trusted with a farm he is fit to be trusted to farm it. That is going as far as any of my hon. Friends would wish. Whether we agree with such a definition to the full or not, I believe I am right in saying that the Courts of Law look with suspicion upon covenants in restraint of trade; and I am bound to say that I, for my part, view with similar distrust many of the restrictive covenants which tenants in the past have been required to enter into. The right hon. Gentleman opposite proceeded in his speech to make some reference to the Law of Distress, and went so far as to say it would be a matter that he should bitterly regret if the Law of Distress were removed. I hardly think that that could be the opinion of the noble Lord the Member for Paddington (Lord R. Churchill).

LORD R. CHURCHILL: I will take part in this Debate if any time is allowed me for that purpose.

MR. H. GARDNER: I was not aware the noble Lord was desirous to speak, and I will, therefore, be as brief as I can with my remarks. The noble Lord will remember that some time past he delivered a speech to his own constituents at Woodstock, in which, in regard to the Law of Distress, he said he had no hesitation in saying the Law of Distress was a remnant of feudalism.

LORD R. CHURCHILL: In the form of that day.

MR. H. GARDNER: That extract was quoted in the Debates on the Agricultural Holdings Bill in 1883, and I do not find in *Hansard* that the noble Lord offered the correction he has just given me. I come to the question of the

abolition of distress as urged in this Resolution. I may remind the House that the kindred Law of Hypothec has long been abolished in Scotland, nor is it the first time in this House that the abolition of this law has been advocated. Mr. Blennerhassett, a former Member of this House, brought forward Resolutions on the subject, and in 1881 his Resolution was accepted by the House, and was supported by my right hon. Friend the present Chancellor of the Exchequer (Sir W. Harcourt), now leading Member of the Government of the day. Subsequently, the total abolition, which the House had accepted, was said to be prejudicial to the interests of the tenants, and the Government of the day appointed a Select Committee. At that time the Chancellor of the Exchequer pointed out that no single argument had been adduced against the Law of Distress that was not urged against the Law of Hypothec, which was abolished just before the General Election of 1880. Well, Sir, that Committee, appointed to inquire into this matter, reported in favour of the limitation of the Law of Distress, as is well-known to the House, instead of its total abolition, and upon that and the Report of the Duke of Richmond's Commission the law was adopted as it stands to-day. Well, Sir, since then hon. Gentlemen who are well able to speak on this matter, and those who are well able to speak for the farming tenants, both large and small, have assured us that the case is altered, and that the time has arrived when the question should be carefully looked into. Now, Sir, I will be brief, but it was necessary for me to put my case before the House, and I thank the House for having listened to me so patiently. I wish only to say, with regard to the last part of the Resolution — the simplification of procedure and reduction of tenants' expenses — that is a proposition that has been abundantly demonstrated and admitted on both sides of the House. The question of the re-consideration of the Agricultural Holdings Act has gained considerable ground in late years. Be that as it may, we are prepared to vote for this Resolution, as we recognise the broad proposition it lays down, which is in favour of stimulating the enterprise and initiative of our farming classes; and

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though we are not so absurd as to think that reform of the Agricultural Holdings Act is a universal specific and absolute remedy for agricultural depression, we take it as a step along the right road; at any rate, the recommendations tend to give a healthy stimulus to agriculture rather than the artificial and unwholesome stimulant that we now see advocated in some quarters.

LORD R. CHURCHILL (Paddington, S.): The right hon. Gentleman has occupied half an hour of the time of the House, as he has a perfect right to do, describing to us the agricultural situation, and I listened to his description of the Debate with interest. But though I wanted myself to put in a few remarks, and though I was glad to hear what the Agricultural Minister had to say, the Minister I was wanting to hear was the Chancellor of the Exchequer, who has had very great experience in agricultural matters; much longer either than the right hon. Gentleman or than me, whose Parliamentary experience is longer than his. I also know that the right hon. Gentleman the Chancellor of the Exchequer had thought out the agricultural situation with great care, and that he had been ready at the beginning of the Session to appoint a Committee to examine into the situation. That Committee, for some reason or other, was not appointed, and I admit there were some difficulties as to the largeness of the Reference. Now we have got to another stage, and a Motion is brought forward which lays down certain principles on which there is not much difference of opinion, and it is urged that the matter cannot proceed further unless a Select Committee examines and takes the opinion of agriculturists and reports to the House on the subject. The Minister of Agriculture has told us a great many things about agriculture and about the situation of landlords; but though he told us some things that may be regarded as very commonplace, I recognise that he spoke truly when he said that agriculture was in a bad condition because capital was not applied to the land. But, then, the difficulty at the present moment has been—and the

Chancellor of the Exchequer has found it out, though the Minister of Agriculture has not—not that capital cannot be found for the land, but that capital has been lost in the cultivation of the land, and, at present, there is not much to invest in it. I do not know whether the right hon. Gentleman has had any experience in the last few years of investing capital in land, or of taking farms into his own hands, or, if his experience has been immense and the results remunerative to the Minister of Agriculture, whether it has been farming in Essex or other parts of the country. But what I have got to say is this. He says that I have of old supported the abolition of the Law of Distress, that I supported it in 1874, and that I did not support it in 1883, and he says that only shows the captiousness and reactionary tendency of the Tory Party. Very well, all I can say is, that so long as the law expressly gave a six, seven, or eight years' prior claim. I was right in saying that was a remnant of feudalism. Was I to set myself against a Liberal Government when they laid down a prior claim of one year as perfectly just? Who am I? Am I not to be satisfied with that concession? It is ridiculous for the right hon. Gentleman to say that the Tory Party did not concur loyally in the abolition. To some extent I know from right hon. Gentlemen and large owners of property that the retention of one year enabled the landlord to be put in a better position with regard to his tenants than if he had no Law of Distress at all. The Minister of Agriculture has made a speech of the most admirable official type of any speech I ever heard; a grand collection of pretty maxims, with just a tinge of Liberalism that a Liberal Government would give to pretty maxims, but which are yet maxims; and what I want to know is, will the Chancellor of the Exchequer consider this question from the point of view that the real logical conclusion is to appoint a Select Committee which would have time to examine and probably find out some information that might corroborate the Minister of Agriculture, and might even add to his knowledge and that of the House? Though there is no Royal road to agricultural prospects, yet it is just as well to know by inquiry

what has been the reason of the great agricultural distress, and what, in the present time, will make a change more rapid. That is the proposition which the Chancellor of the Exchequer knows I have been advocating for some years, and I hop he will give us some information on the subject.

THE CHANCELLOR OF THE EXCHEQUER (Sir W. HARCOURT, Derby): With every desire to gratify the noble Lord, I would point out that he was not in the House when the hon. and gallant Member who moved the Amendment especially appealed to me not to speak, but to allow the Minister for Agriculture to speak upon this subject, and the Debate closes with a reproach upon the Minister for Agriculture for speaking, and appealing to me to speak. It is very difficult to please both sides. My right hon. Friend the Minister for Agriculture has made a speech on the subject. I will make no speech on the subject at all, but reply simply to the appeal the noble Lord has made. It will, I think, be satisfactory, at all events, that the House is going unanimously to pass this Resolution; that, at all events, is something gained—["Oh!"] I understand that this Resolution, including the abolition of the Law of Distraint, which the right hon. Gentleman the Member for Sleaford (Mr. Chaplin) regrets, is going to be passed unanimously, and with his vote also.

MR. CHAPLIN: *Pro formâ*.

SIR W. HARCOURT: *Pro formâ*. All I can say is, that in 1881 we had also a Resolution for the abolition of the Law of Distraint, which was carried unanimously by this House.

MR. A. J. BALFOUR (Manchester, E.): This is not a Resolution; this is an Amendment.

SIR W. HARCOURT: How does he distinguish between an Amendment on going into Supply and a Resolution? But the practical point, as I understand it, is this: that the hon. and gallant Member proposes that this matter should be referred to a Committee. Very well; I

am very willing that this and other matters relating to agriculture should be referred to a Committee. We have been trying to refer these matters to a Committee all the Session, and what is proposed in this Amendment is that we should take this limited Committee, which, mind you, would not include the Law of Distress at all, because that is not part of the Agricultural Holdings Act. We desire to include it in another Committee which we have proposed, and therefore what I have to say upon this subject is this. I should suggest that we negative the Amendment of the hon. and gallant Member and appoint the Select Committee that stands in the name of my right hon. Friend the Minister for Agriculture that these questions and others may be referred to it.

MR. A. J. BALFOUR : What is the Reference ?

SIR W. HARCOURT : It stands on the Paper, and if the House desires it to be appointed, let us carry the Committee the Government propose instead of this Committee.

MR. A. J. BALFOUR : I hope the House and those who watch our Debates outside the House will understand exactly what it is the Government are proposing to do. The Motion before us is an Amendment to the Original Motion that you, Sir, do now leave the Chair. Now, it has, by itself, no efficacy at all, and it would probably end by your leaving the Chair. It is impossible for us, while it is merely an Amendment, to move an Amendment on an Amendment ; therefore, my hon. and gallant Friend could only announce his intention of moving an Amendment to this Resolution when it becomes a substantive Motion. We are, therefore, in this position. My hon. Friend is prepared to assent to the Amendment as it is, so that it may become a substantive Motion, though we do not bind ourselves in agreement to every clause of the Amendment put upon the Paper. But I want to point out to the House what the Government desire to do. They mean to accept the abstract Amendment that has been proposed ; but they absolutely refuse to accept the Amendment to the Resolution

Sir W. Harcourt

that is required to make it practical. The Chancellor of the Exchequer says he has a desire, and the Government has been desirous from the beginning of the Session, to have a Committee of Inquiry into agriculture generally.

AN hon. MEMBER : Into the causes of the depression.

MR. A. J. BALFOUR : Into the causes of depression.

SIR W. HARCOURT : That is what the noble Lord just now said he desired.

MR. A. J. BALFOUR : No, I think not ; he desired to have an inquiry into the causes of depression. He must know it is certain such an inquiry must be of enormous length, and almost certain that it would be barren of practical results. An opportunity now occurs on the Motion of the hon. Gentleman by which the Government might have an inquiry not endless and not impracticable, and the Government take the opportunity of rejecting it. I hope it will be understood by the whole agricultural community throughout the country that while one Party in the State is prepared, in order to throw dust in the eyes of the electorate, to have an inquiry, vague in its terms, interminable in its operation, and barren in its results, they are not prepared to adopt the inquiry which may be practical, which deals with a question nearest to the hearts and interests of the farmers, and which might be carried out within the compass of a Session, and which might lead to some practical and salutary results by which it is possible and not improbable the agricultural community might be benefited. That is the proposal before us—Are we to have the miserable abstract inquiry of the Government, or the practical inquiry proposed by my hon. Friend ? It is on that question we shall divide to-night.

LORD R. CHURCHILL : I wish to make a personal explanation. I did not say that I was in favour of the right hon. Gentleman's Committee, but I said I was in favour of the Committee suggested by my hon. Friend.

Question, "That the words proposed to be left out stand part of the Question," put, and negatived.

Question proposed, "That those words be there added."

And, it being after Midnight, Mr. Speaker proceeded to interrupt the Business.

Whereupon Mr. Herbert Gardner rose in his place, and claimed to move, "That the Question be now put."

COLONEL KENYON-SLANEY said, he proposed to move the Amendment standing in his name on the Paper.

MR. SPEAKER: That Question has not been put from the Chair.

LORD R. CHURCHILL: As the Motion has been agreed to, and the Amendment has been practically carried, we object to going any further.

MR. SPEAKER: I understand the right hon. Gentleman claimed that the Amendment be now put.

LORD R. CHURCHILL: There was no Motion to that effect.

SIR W. HARCOURT: My right hon. Friend claimed, after the first Question had been decided, that the substantive Amendment be put, and I understand you granted that.

MR. A. J. BALFOUR: May I ask, for the information of the House, and merely for the purpose of clearing up the question, how the matter stands? I understand we have agreed that you do not now leave the Chair; and, therefore, the Question before the House is that the Amendment of the hon. Gentleman should become the substantive Motion. We are anxious to assent to that with a view of making Amendments to it. What is our position as regards Amendments?

*MR. SPEAKER pointed out that the Minister for Agriculture had moved the

Closure, which he had accepted. Any hon. Member who wished to continue the Debate could not add a fresh Question which had never been put from the Chair.

Question, "That the Question be now put," put, and agreed to.

Question, "That those words be there added," put accordingly, and agreed to.

Main Question, as amended, put, and agreed to.

Resolved, That, in the opinion of this House, amendments of the Law are urgently needed to enable the tenant to obtain adequate compensation on the determination of a tenancy for all agricultural improvements executed by him on his holding, to give greater security of tenure and freedom to make improvements, to cultivate and to sell produce without detriment to the agricultural value of the holding, to abolish the landlord's right to distrain for rent, and to simplify and cheapen the settlement of compensation cases and other differences between landlord and tenant.

SUPPLY,—Committee upon Monday next.

INTOXICATING LIQUORS LOCAL VETO (IRELAND) BILL.—(No. 124.)

Order for Second Reading read, and discharged.

Bill withdrawn.

PRIVATE BILLS [Lords.]

STANDING ORDERS NOT PREVIOUSLY INQUIRED INTO COMPLIED WITH.

MR. SPEAKER laid upon the Table Report from one of the Examiners of Petitions for Private Bills, That, in the case of the following Bills, originating in the Lords, and referred, on the First Reading thereof, the Standing Orders not previously inquired into, and which are applicable thereto, have been complied with, namely:—Pontypridd Local Board (Gas) Bill [Lords]; Waterford and Limerick Railway Bill [Lords].

Ordered, That the Bills be read a second time.

**INTERMEDIATE EDUCATION
(IRELAND).**

Copy presented,—of Rules and Programme of Examinations for 1894 [by Act] ; to lie upon the Table.

**EDUCATION (SCIENCE AND ART
SCHOOLS).**

Copy presented,—of Directory (Revised to June, 1893) with Regulations for establishing and conducting Science and Art Schools and Classes [by Command] ; to lie upon the Table.

TRADE REPORTS (ANNUAL SERIES).

Copy presented,—of Diplomatic and Consular Reports on Trade and Finance, Nos. 1222 (Berlin) and 1223 (Rome) [by Command] ; to lie upon the Table.

EXCISE SPIRIT DUTIES (IRELAND).

Copy ordered, “of Report of the Commissioners of Inland Revenue to the Treasury, dated the 6th day of June, 1893, explaining an error in the computation of Ireland’s contribution to the Spirit Duty, as shown in the ‘Financial Relations’ Returns of 1891 and 1893.” —(*Sir John Hibbert.*)

Copy presented accordingly ; to lie upon the Table, and to be printed. [No. 248.]

**POST OFFICE (REVENUE AND
EXPENDITURE).**

Return ordered, “of Revenue and Expenditure of the Post Office for each year from since 1869-70 (in continuation of Parliamentary Paper, No. 281, of Session 1892), and showing the Estimate of the same for the year ended the 31st day of March, 1893.”—(*Mr. Arnold Morley.*)

**POST OFFICE TELEGRAPHS (REVENUE
AND EXPENDITURE).**

Return ordered, “of the Revenue and Expenditure of the Post Office Telegraphs for each year since the purchase of the Telegraphs (in continuation of Parliamentary Paper, No. 282, of Session 1892), and showing the Estimate of the same for the year ended the 31st day of March, 1893.”—(*Mr. Arnold Morley.*)

CHARITABLE TRUSTS (RENT-CHARGES).

Return ordered, “of Rent-Charges subject to Charitable Trusts, in the County of Wilts., returned as paid in the Reports of the Commissioners for inquiry concerning Charities 1819-37, and not now paid.”—(*Mr. Thomas Ellis.*)

**POLICE AND SANITARY REGULATIONS
BILLS.**

Mr. WALTER LONG reported from the Select Committee on Police and Sanitary Regulations Bills, That the parties promoting the St. Helen’s Corporation Bill had stated that the evidence of Frederic Campbell Hulton, Clerk to the Lancashire County Council, was essential to their case ; and it having been proved that his attendance could not be procured without the intervention of the House, he had been instructed to move that the said Frederic Campbell Hulton do attend the said Committee upon Tuesday next, at Twelve of the clock.

Ordered, That Frederic Campbell Hulton do attend the Select Committee on Police and Sanitary Regulations Bills upon Tuesday next, at Twelve of the clock.

House adjourned at a quarter after Twelve o’clock till Monday next.

HOUSE OF LORDS,

Monday, 12th June 1893.

The Lord Brougham and Vaux—Took the Oath.

OFFICIAL LIQUIDATORS (IRELAND) BILL.

THE MARQUESS OF WATERFORD asked the noble Lord in charge of Irish Business in the House, having given him private notice of the question, whether, in view of the objection which had been taken to the Official Liquidators (Ireland) Bill by the mercantile classes in Ireland, and also by the Incorporated Law Society, the Government intended to proceed with the Bill, which stood for the Committee stage next week?

LORD ACTON: In consequence of the opposition which has arisen to this Bill outside, the Government do not propose to proceed with the Bill. I do not propose, therefore, to ask your Lordships to take further trouble in discussing it; and, at the proper time, I shall be prepared to move that the Order be discharged and the Bill withdrawn with the consent of the House.

SALE OF INTOXICATING LIQUORS (IRELAND) BILL [H.L.].—(No. 54.) COMMITTEE.

House again in Committee (according to Order).

Clause 1.

LORD ROOKWOOD moved—

In line 8, to leave out all the words after ("on") and insert ("Sundays within the Metropolitan police district of Dublin Metropolis, and within the Cities of Cork, Limerick, and Waterford, and the town of Belfast, shall, instead of the hours now fixed by that Act, be the hours from 2 to 5 p.m.")

He said, it would be in the recollection of their Lordships that he had on a previous occasion moved an Amendment by which he proposed to limit the hours of closing in the five exempted cities in Ireland which it was now proposed to include in this Bill, and he had then asked their Lordships not to agree to the provisions of this Bill, which practi-

cally abolished the sale of intoxicating liquors on Sundays in those cities. Since that time he had endeavoured to make himself acquainted with some of the facts bearing upon the case, and information was now probably in their Lordships' possession which showed that there was still a very strong feeling in those cities on this question. He had already said—and he still maintained the opinion—that unless there was practical unanimity with regard to questions of this kind the attempt to carry out restrictive legislation meant more often than not the defeat of the very object in view; and he asserted that the evidence which they had in other cases only tended to prove that restrictions of this sort carried to excess against the wishes even of a strong minority often led to the creation of secret drinking, which, unfortunately, took the place of more open and legitimate forms of drinking. Since the last occasion on which this question had been discussed in their Lordships' House, in the City of Dublin itself—although he regretted to learn that the Lord Archbishop of Dublin took a contrary view—there had been meetings which had expressed their views and their opinions on this subject. The Corporation of the City of Dublin had, by a majority of 35 to 5, decided to oppose the extension of the Bill to their city. He believed the Trades Council in that city had come to the same conclusion, and also that the North Dublin Poor Law Union had, by a large majority, taken the same view. At the mass meeting held the other day at the Rotunda to consider this question a very strong minority opposed the extension of the provisions of the Bill to Dublin. The noble Lord who had charge of the Bill had intimated to their Lordships that in case the Amendment was carried he should move that the City of Belfast should be exempted from it, so that that city would come within the provisions of the Bill. Even in Belfast there was a very strong opposition, as was evidenced that day by the Petition from that city, signed by 15,000, presented by the noble Earl (the Earl of Wemyss), and he also held in his hand a telegram from Belfast in which the sender of the telegram stated that he had interviewed Mr. Macarthy, the senior Resident Magistrate in Belfast, and Mr. Singleton, the Chief Commis-

sioner of Police, and they were opposed to total Sunday closing for Belfast, and regarded the present state of affairs there as most satisfactory. They also mentioned the Petition which had been presented to their Lordships. Even in Belfast, which was supposed to be the one town thoroughly in favour of the operation of the Bill, the unanimity in support of the measure was not so great as to lead him to suppose that the experiment ought to be tried in all its full force. The Amendment which he had ventured to propose restricted the existing hours in force in all large towns—that they should be practically exempted from the Act extending otherwise over the whole of Ireland, but that the hours of opening on Sundays should be curtailed only by two hours. It would practically leave those towns as they were at present, merely with the limitations of the hours in future from 2 to 5 o'clock. He believed that would be a proper and wholesome restriction on the time for selling intoxicating liquors in those places, and that, at the same time, it would prevent that opposition which might eventually be fatal to the object which the Bill had in view. He, therefore, begged to move the Amendment.

Amendment moved,

In line 8, to leave out all the words after ("on ") and insert ("Sundays within the Metropolitan police district of Dublin Metropolis, and within the Cities of Cork, Limerick, and Waterford, and the town of Belfast, shall, instead of the hour now fixed by that Act, be the hours from 2 to 5 p.m.")—(*The Lord Rookwood*.)

***LORD PLUNKET** (Archbishop of DUBLIN) said, he could not see his way to assent to the Amendment proposed by the noble Lord. This Bill dealt with an Irish question and with local interests, especially as regarded the City of Dublin, which it was proposed to exempt from its operation. The Debate had been adjourned in order that their Lordships might obtain further information with regard to the whole question, and especially with reference to the five cities mentioned. In the meantime, as they had heard from the noble Lord, information had been supplied, but of a very conflicting character. He had himself met one noble Lord who had said that to him it appeared that there had been unanimity on both sides. He thought that their

Lordships would, therefore, listen to one who, as an Irishman and as connected with one of those cities, would like to plead the cause of that city, and to show why, in his opinion, it should not be exempted from the full advantages of the Bill. He was a citizen of Dublin. Fifty years of his life had been passed in that city; and as a public man, and one who he hoped had an interest, not merely in the welfare of the Church with which he was officially connected, but also of the community at large, he had come into contact with a great number of his fellow-citizens, and he had, he ventured to think, the confidence of a great many of those who were interested in the cause of temperance apart from any question of religion or politics. Upon the occasion of the laying of the first stone of the memorial to that great apostle of temperance, that noble priest who would ever be remembered in Ireland as having done more than anyone else to forward the cause—he meant Father Mathew—and again on the occasion of the unveiling of his statue, those who had the management of the proceedings had been kind enough to ask him to take a prominent part in those ceremonies. He himself, therefore, did not speak on this question in any spirit of partisanship, either as regarded religious or political matters. As far as he had conversed with his fellow-citizens on this subject, he had no doubt whatever that the vast majority of the citizens of Dublin, excludng one class of the community who might be expected to take a different view of the question, were earnestly desirous that the City of Dublin should not be exempted from the full privileges conferred by the Bill. Reference had been made to certain meetings which had been held. One of those meetings was that of the Trades Council, which consisted of a number of delegates elected by a large constituency; but he did not think that when they were elected on the Council this question was before the electorate; and there appeared in one of the Dublin newspapers a few days ago an indignant letter from a working man who complained that before this meeting was held no notice had been given to the members of the Societies of which the delegates were the representatives. There had also been a meeting of the Corporation. He doubted whether, when the members of the

Corporation were elected, this question was before the constituents. In any case there were on the Corporation a very large number of publicans. He did not for a moment suppose that they were actuated by any sordid motive whatever, or that they said or did that which they did not believe to be essentially right; but in some way or other they might reasonably be supposed to be unconsciously biased in adopting a certain course. He did not ignore the significance of those meetings, but he thought that the considerations which he urged ought to be present to their Lordships' minds when they weighed them against other manifestations that had taken place since the question was last considered. Among those manifestations was a meeting of a *bonâ fide* working men's Society, which unanimously passed a resolution in favour of Dublin being included in the provisions of the Bill. There was another meeting at which some 1,500 were present, mainly working men, and, in a paper which had been supposed by some to be antagonistic to the cause, the resolution passed was described as being passed practically unanimously, there being only 70 or 80 dissentients. But he would point to what seemed to him to be a surer test. A *plébiscite* was taken of the citizens of Dublin 10 years ago. A number of respectable and trustworthy men were sent to every tenement house, and they left papers asking whether or not the occupant was in favour of full Sunday closing being extended to all these five cities. The messenger used no influence and had no interviews; but when a week afterwards he called for the replies, the result was found to be upwards of 34,000 in favour of Sunday closing in all its fulness to the City of Dublin, and only 8,000 against. Another test, and a touching one, was contained in a telegram which had just reached him from the grocers' and victuallers' assistants, who yesterday passed a resolution in favour of the Bill being extended to Dublin, notwithstanding that they must have had before them the possibility of getting into disfavour with their employers. Their position was a very trying one. Whereas the ordinary number of working hours in the week was 64, the number of working hours for those assistants was 101. Such an appeal ought to

touch a chord in some hearts, and their Lordships ought to try, if possible, to procure for these hard-worked men some little rest on one day of the week at least. In the resolutions which were passed on the other side there was not in any case a repudiation of the principle of Sunday closing, but merely a protest against its being extended to Dublin at the present time. The fear was that the closing of the public-houses might lead to secret drinking in clubs on an extensive scale. But, even supposing it were not possible after the passing of the Bill to reach bogus clubs, and to extinguish them by further legislation, he should consider it a thousandfold less mischievous to the interests of the community at large that there should be drinking in bogus clubs than in the open public-houses; and for this reason—bogus clubs would be frequented by those whom their Lordships might regard as belonging to the class of deliberate drinkers—men who, in spite of any legislation, would find some way of gratifying their propensities. The open public-houses, on the other hand, were frequented not merely by the deliberate drinkers, but by a multitude of persons who never intended to drink to excess. It was for this class of men that they ought to feel the strongest sympathy—men who went forth in the morning with no intention whatever to fall into temptation; but who were allured by the bright lights and other attractions of the public-house, and who afterwards loathed not only the sin into which they had fallen, but, as in the analogous case of open gaming houses, the place and the surroundings which had led to their fall. What appeared to him to be so strange was that it should be thought necessary, because of the existence of bogus clubs, or the fear of them in the future, that their Lordships should decline, when it was in their power, to pass this Bill with reference to Sunday closing in other respects. By passing the Bill their Lordships would assert it to be a duty of the State to interfere in preventing the evil results of intemperance on the Lord's Day, and the establishment of that principle would make it all the easier afterwards to extend it to any clubs which might seek to evade the law. He looked upon further legislation with regard to these

bogus clubs as being the necessary corollary of the Bill. He, therefore, could not see why any of the cities should be exempted from the advantages of the Bill. It was illogical that great cities, above all, should be exempted from these privileges; because it was in them that the evils of intemperance were most to be seen. In a great city it was also easier for the working man to obtain his refreshment at home. He would, therefore, implore their Lordships on this occasion, in the interests of the community at large, and especially of the working man, to extend the advantages of this Bill to all five cities without restriction or reservation of any kind.

THE EARL OF HOWTH said, that, like the most rev. Prelate, he might almost call himself a citizen of Dublin, for he resided close to it, and took a deep interest in its welfare. He was thoroughly in support of the principle which the Bill embodied, and also desired to support Lord Rookwood's Amendment, with a regret that the noble Lord had not substituted two hours instead of three as the period for the public-houses remaining open. The people of Dublin had beautiful recreation grounds—the Phoenix Park, St. Stephen's Green, and the Dublin Sands—and it was very hard that on Sundays, when walking out, they should not have the opportunity of taking refreshments. Leaving the public-houses open for two hours, from 2 to 4 or from 3 to 5, would still give the assistants a half-holiday; and they would, therefore, be better off than at present. Another point to be considered was the natural disposition of the Irish people; and to prevent an Irishman passing a convivial hour with friends, even in a public-house, would be to him a worse deprivation than it would be to an Englishman or Scotchman. He, therefore, hoped their Lordships would agree to Lord Rookwood's Amendment.

*THE EARL OF WEMYSS reminded the House that he had proposed on the Report to move that Dublin, Cork, and Belfast should be altogether exempted from the Bill; but he had not received the necessary information until this morning with regard to the state of feeling in those places, and had, therefore, been prevented from giving the

requisite notice. Limerick and Waterford had given no expression of opinion as to their being included in the Bill, and, therefore, there was no reason why they should be exempted; but, as regarded Dublin, Cork, and Belfast, the case was wholly different. The most rev. Prelate had said the feeling was unanimous in Dublin, with the exception of a certain class, whom he no doubt regarded as "pariahs"; but perhaps he was not aware that a Petition, freely signed by 20,000 working men in Dublin—signatures not obtained by canvassing, but by free signature—had been presented against the Bill. In opposition to that, the most rev. Prelate read a letter from a working man in favour of the Bill. As regarded the *plébiscite* 10 years ago, when there were only 8,000 against this principle, there were now 20,000. Apparently the most rev. Prelate would take the bogus clubs, where any number of men might be corrupted, under his patronage. On the Third Reading he should certainly move the exemption of those three towns.

LORD PLUNKET said, that, so far from taking the bogus clubs under his protection, he and those with whom he was acting were especially desirous of bringing about their extinction.

*THE EARL OF MEATH said, that since the last occasion on which this Bill was before the House, he had been closely watching the feeling in Dublin, and he certainly could not agree that it was unanimously in favour of the Amendment.

*THE EARL OF WEMYSS said, he had pointed out that the Petition he had presented against the Bill was signed by 20,000.

*THE EARL OF MEATH said, as far as he had been able to make out, public opinion in Dublin was very much against the Amendment. In fact, he had been blamed, as an owner of property there, for his willingness to come to a compromise in the matter; and he had received several resolutions passed by important bodies. The noble Lord on the Cross Benches seemed to forget that this country was largely governed by public meeting, and at a public meeting in Dublin an enormous majority had declared in favour of the Bill as it stood. No doubt, 20,000, or, if necessary, 30,000, signatures could be obtained to

Petitions left at public-houses for that purpose; but that would only show there was a large number of hard drinkers in Dublin. He had himself presented a Petition from the Commissioners of the Killiney and Ballybrack Township, which was partly within the Dublin Metropolitan District, in favour of the Bill, and had, besides, received several resolutions and letters expressing similar opinion. He therefore protested against the Amendment.

***LORD O'NEILL** moved to omit ("Belfast") from the Amendment, because in that town the general feeling was strongly in favour of total Sunday closing. Judging from the large number of Petitions and Resolutions that had been adopted in Belfast, he could not help thinking, in spite of Petitions on the other side, that the great bulk of feeling was in favour of Sunday closing in that city. It had been stated, and not contradicted, that there were no bogus clubs in Belfast. At a meeting of the Belfast Corporation, held 1st June, a large and representative deputation attended, among them the President of the Belfast Chamber of Commerce and Archdeacon Seaver, also the President of the Methodist Assembly and Congregation. A meeting of several thousands of the working classes had also been held at the Custom House. He moved the omission of the City of Belfast from the Amendment, so that that city might come under the full operation of the Bill.

Amendment moved, to omit ("Belfast") from the Amendment.—(*The Lord O'Neill.*)

***LORD ASHBOURNE** said, there could be no doubt that the Bill was regarded with great and sympathetic interest in Ireland generally, whatever differences of opinion there might be as to some of its proposals. There could be no doubt that Sunday closing had so far worked extremely well; and there had been a good deal of discussion with regard to the exempted cities. Within the last few years there had been an inquiry by a Committee of the House of Commons under the Presidency of Mr. Madden, now Mr. Justice Madden, who drew up a Report embodying the proposals contained in Lord Rookwood's Amendment to shorten the hours of Sunday opening in the five exempted

cities. Personally, he was in favour of Sunday closing; but he wished to proceed prudently; and he was anxious to see the Bill leave that House in the form that would give it the best chance of passing into law. There was great force in the arguments of the most rev. Primate of Ireland; and they were present to the minds of the Committee which considered the proposals of Mr. Justice Madden. He was disposed to think it was best to proceed prudently, and to adopt the Amendment of Lord Rookwood, subject to considering the Amendment of Lord O'Neill for striking out the City of Belfast, where much local feeling seemed to be in favour of bringing that city under the operation of the Bill.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of Kimberley): My Lords, no doubt this is a Bill with which it is not very easy to deal, because, as the most rev. Prelate said, there is (what I am afraid is not a usual state of circumstances in Ireland) an unanimous opinion on both sides. That places us in some difficulty; but, upon the whole, I am disposed to agree with the noble and learned Lord (Lord Ashbourne). I feel great sympathy with the objects of this Bill. We desire to see the Act made perpetual, and in such a way as to meet as far as possible the real desires of the people of Ireland; and we rather regret that there is not that unanimity on one side which we are accustomed to look for. It is, indeed, more than doubtful whether we ought to enact the Bill in its present form, including the five towns. Upon the other points I do not think there is any serious difference of opinion. I think we should do wisely to accept the Amendment to Lord Rookwood's Amendment, by which Belfast would remain entirely within the purview of the clause, and not be exempted. I know there is a difference of opinion in that city; but on the whole, from the best information we have been able to secure, there is really, I think, a state of feeling in Belfast which warrants us in including that city within the complete Sunday closing provisions of the Bill. With regard to Dublin, it is clear there is not the same unanimity, and I have received a resolution passed by the Dublin Municipal Council deprecating that city being included in the Bill.

As to Cork, Waterford, and Limerick, I cannot say that I am in possession of full information. There appears to be a desire in Cork for stringent provisions; but I cannot say how far that is general. Subject to what I have said, I should not oppose Lord Rookwood's Amendment, which would allow the opening of public-houses for a short period in the exempted cities.

LORD ROOKWOOD declared that he could not, consistently with what he had already said, accept the proposal to exempt Belfast from the scope of the Amendment. The city was by no means unanimous in favour of the Bill; at all events, 15,000 of the inhabitants were opposed to it, while, at a meeting of the City Council held to consider the Bill, out of 20 members present 11 voted in favour of it, two against, and seven declined to vote at all. There was some ground to fear, too, that if Sunday closing were made absolute in Belfast it would lead to the creation of bogus clubs.

*THE EARL OF WEMYSS said he had received an opinion of the Head Inspector of Police of Belfast in confirmation of the concluding statement of Lord Rookwood as to bogus clubs, and that the Roman Catholic Bishop of that place was opposed to the Bill.

*THE EARL OF CRANBROOK: My Lords, this is one of the subjects upon which one always feels considerable difficulty from the desire, on the one hand, to check intemperance, and, at the same time, not to do it in such a way as to bring worse evils in its train. I am not very well satisfied with the evidence as to these five towns. They were all exempted in the first instance, and I certainly do not see my way to take Belfast out of that exemption and put it on a different footing from the other four. The noble Lord O'Neill did not himself appear without doubt on the matter. The noble Lord spoke with a good deal of hesitation as to the feeling in Belfast. He did not speak with a strong conviction that there would be no resistance to the Bill. What they really wanted to do was to obtain the general result of shortening the hours of Sunday opening, so as to be ready for further legislation when the time arrived for it.

*LORD PLUNKET, having regard to what had been said in favour of the

principle of the Bill on both sides of the House, and as to its being preparatory for future legislation, did not feel justified in pressing the matter to a Division. He hoped, when the Bill came up on Report, Amendments would be introduced still further shortening the hours.

Amendment to the Amendment, on question, disagreed to.

Original Amendment agreed to.

Clause, as amended, agreed to.

Clause 2.

VISCOUNT POWERSCOURT moved—

In page 1, line 25, after ("building") insert ("Provided that nothing in this Act shall in any way interfere with the right of any licensed person who is the proprietor or manager of a hotel or restaurant, as defined in 43 and 44 Vict. c. 20, Sub-sections 3 and 4, who is to have the same rights and privileges as he now has under the existing licensing laws.")

He said the Amendment did not touch the principle of the Bill, and it would probably commend itself to their Lordships. Hotels and restaurants had not hitherto been included in this kind of legislation, and he hoped their Lordships would say it was reasonable they should be definitely excepted from the action of the Bill.

LORD O'NEILL accepted the Amendment.

Amendment agreed to.

*THE EARL OF WEMYSS gave notice that he should propose an alternative to the provisions of the clause as suggested by Lord Aberdare with regard to hours.

Clause, as amended, agreed to.

Remaining clauses agreed to.

Bill re-committed to the Standing Committee; and to be printed as amended. (No. 144.)

IMPORTATION OF ADULTERATED FOOD-STUFFS.

QUESTION. OBSERVATIONS.

THE DUKE OF ST. ALBANS asked Her Majesty's Government whether any steps could be taken, in concert with Foreign Governments, to check, and, if possible, prevent, the importation of adulterated food-stuffs consigned as pure

butter, lard, cheese, &c.? He said the question was directed to an evil which had arisen in the application of the Food and Drugs Act. At present the Inspectors of the County Council inspect butter at a country shopkeeper's, and, finding that it was adulterated, the shopkeeper was prosecuted and fined. The shopkeeper said truly that he bought it as pure of a wholesale dealer, who, in his turn, protested that he bought it as pure of the foreign merchant. In order to show how much more severe was the law against adulteration in France than that which prevailed in this country, he mentioned the case of a butter merchant who, being convicted at the Assize Court at Cherbourg of selling butter mixed with margarine as pure butter, was condemned to three months' imprisonment, a fine of 2,000*f.*, and the payment of the costs of the prosecution; and he was also condemned to the humiliation of publishing, at his own expense, the judgment in 30 local newspapers and of paying for posters proclaiming his misdeeds to be exhibited outside the Town Hall, the Market Place, and each one of his own places of business. He suggested that the simplest way to avoid the importation of adulterated butter would be by having it officially examined before exportation. He held in his hand an invoice from Hamburg for butter which, it was stated, was guaranteed "pure butter made here." This proved that it was possible to insure that the commodity before sent from abroad was not adulterated. He hoped that this very important question would receive the attention of Her Majesty's Government.

***LORD PLAYFAIR** said, that according to the present law for articles which were adulterated in such a way as to be detectable by the senses—sight, touch, taste, or smell—the Customs tried to give specific heads. Since 1889 a special list of such substances as imitation cheese and imitation butter had been made by the Customs, and goods coming under those heads had to be declared. The import of them, then, was perfectly legal. The annual importation of oleo-margarine, a butter substitute, was no less than 3,750,000 lbs. But the avowed imitations of butter, cheese, lard, &c., had not succeeded in this country. In 1889 the import of imitation cheese was 1,852 cwt., valued at £3,669; and in 1892 it was 11 cwt.,

valued at £21. In 1892 the import of imitation lard was 37,000 cwt., valued at £57,000; but that was insignificant beside the import of real lard, which was 1,239,000 cwt., valued at £2,250,000. Therefore, the present law protected the consumer against gross adulterations by indicating them as imitations; but against slight adulterations it did not operate—for example, there was the factory butter from Hamburg. The Danish Government declared that it was good to the taste and smell and in appearance, though it contained oleo-margarine, but in such small quantities as to be undetectable by chemical analysis. Oleo-margarine was simply ox-butter instead of cow-butter, and 95 per cent. of it was exactly the same as cow-butter. The noble Duke proposed a Conference with foreign nations for the purpose of preventing the export of adulterated foods. As the noble Duke said, that would mean inspecting the factories abroad at which the adulterated foods were produced. The corollary to that action would be, if a certain number of nations joined a Convention, the boycotting of those nations which did not join; and the experience of the Sugar Convention, with France remaining outside, must have shown that it was perfectly hopeless to try such a plan. The consumer at present did not suffer much, for he got his factory butter 10*s.* per 100*lb.* cheaper than real butter, and it was quite healthy and pleasant. Another expedient for prevention was to make the Customs the universal analysers of all food brought into the country. But the machinery of the Customs was never intended for such a purpose, nor would it be advisable to attempt it. Chemical analyses took time, and it would be intolerable to think of large consignments of dairy produce, for example, being delayed for the completion of these analyses. But the Food and Drugs Act and the Margarine Act already protected the consumer by enabling the Local Authorities to prevent the sale of adulterated food. A general examination of the Customs would harass trade, and our great object in this country was to leave trade as free as possible. He could not hold out to the noble Duke any hope that the Government were likely to ask for an International Convention.

LORD BELPER said, that the noble Lord had hardly appreciated the importance of the question. There was an essential difference between ox-butter and cow-butter, inasmuch as the latter was made of milk and the former of fat. The Margarine Act provided that anything that was not pure butter must be labelled margarine, and if that were not done in the case of these adulterated food-stuffs there was a distinct evasion of the Act. He thought the Government might see that some pains were taken at the ports of entry to prevent this impure butter from being brought in, not in the name of margarine, but as pure butter.

[The subject then dropped.]

NORTH SEA FISHERIES BILL.—(No. 110.)

COMMITTEE.

House in Committee (according to Order.)

*THE EARL OF WEMYSS called attention to the fact that there were novelties in the Bill. Clause 3 provided that thefts by sailors, who were stated to be now in the habit of stealing their owners' gear or fish and exchanging them for drink, should be punishable by either fine or imprisonment. This, he imagined, was the first time that theft was made punishable by fine. He believed there was no precedent for it in law. And yet this Bill was got through without objection on the part of anybody! Another novelty was that if a man paid for a glass of spirits he was liable to be fined. Thus, for the first time, the customer of a grog shop was made a criminal. He did not know whether this idea came from Germany or elsewhere, but it was certainly a principle that was absolutely novel in this country. Especially should it be condemned as wrong in these days when ideas travelled so fast, for what was done to-day in the North Sea might very soon be carried out within the Kingdom. He merely called attention to this matter that it might be considered in the Standing Committee; and if, when it came back to the House, no alteration had been made, he should divide their Lordships upon it.

*LORD PLAYFAIR said, that on the Second Reading of the Bill he had admitted that it was altogether an exceptional Bill. But the evil against which

it was directed was altogether exceptional. It was simply to try and erect a barrier between the devil and the deep sea, and he thought the noble Earl would find there was no other remedy for the evils which existed in the North Sea than that which was contained in the Bill.

Bill reported without Amendment; and re-committed to the Standing Committee.

VOLUNTEER INSPECTIONS IN HYDE PARK.

QUESTION. OBSERVATIONS.

EARL CADOGAN asked the Under Secretary of State for War on what grounds it was decided that the annual inspection of the 2nd South Middlesex Rifle Volunteers should not take place in Hyde Park, as originally ordered? He said: My Lords, the question affects not only the Volunteer regiment mentioned in it, and with which I have the honour to be connected, but it is one of considerable importance to all the Volunteer regiments within the Metropolitan District. For the last 25 or 30 years the regiment in question has been annually inspected in that part of Hyde Park which lies south of the Serpentine and extends to Knightsbridge Barracks. At the beginning of this year the usual correspondence took place between the Military Authorities and the Colonel commanding the regiment as to when and where the inspection should take place. The result was that the inspection was, at the request of the Colonel, fixed for June 10 in Hyde Park. Subsequently, the Colonel received a communication from the Military Authorities informing him that a large demonstration would take place in Hyde Park on June 10, and requesting that the regiment should proceed for inspection to the Guards' Barracks at Chelsea. The Colonel, in reply, requested that the inspection might not take place within the barrack square at Chelsea, inasmuch as the regiment possessed a very large ground of their own in Kensington. A few days afterwards another communication arrived, to the effect that it was requested that no Volunteers should muster at all either in or near Hyde Park on June 10. I do not in any way wish to express an opinion adverse to the holding of demon-

strations in Hyde Park, for I consider there is no locality within the Metropolis that is better suited for these demonstrations, which I believe afford pleasure to a very large number of persons, and causes no injury and very little inconvenience. Hyde Park is certainly a more appropriate place for meetings than Trafalgar Square. With regard to the subject of the demonstration which took place on Saturday, I am quite sure that every noble Lord present will agree with me that it is impossible to admire too much and too sincerely the attitude of the members of the working classes who in such large numbers and in such an orderly fashion attended to express their desire to get rid as much as possible of the vice and intemperance in London, and to support any measures for the promotion of temperance; and I am also quite sure that the action of Her Majesty's Government with respect to the matter I am bringing before your Lordships was in no way dictated by the fact that the demonstration was in favour of a Bill that was promoted by the Government themselves, for I am sure they would have acted in the same way whatever the object of the demonstration might have been. My object is to call attention to the manner in which this affects the Volunteer Force. I cannot but think that those regiments which were ordered for inspection in Hyde Park on Saturday were hardly treated with proper courtesy and respect. It is not necessary in this House to express admiration for the self-denial and patriotism which animates the members of the Volunteer Force, or for their great unselfishness with regard to the large appropriation of their time and money to the service of their country, and I venture to think that the least we can do is to show them every consideration, and to show our desire to support them in the efforts they are making in the service of their country; but I should like to ask the Government whether this exclusion of the Volunteers from Hyde Park is to take place on all future occasions when demonstrations are appointed to be held there? There were two other regiments excluded from the Park on Saturday; but I can only say, on behalf of the officers and men of the regiment to which I belong, that they were deeply disappointed that they had not

been afforded the opportunity to which they always looked forward—of being inspected in public instead of on their own private ground. On looking through the list of inspections for the summer, I find that on each Saturday regiments are ordered for inspection in Hyde Park, and that on Saturday, the 24th, there are five regiments ordered to be inspected there. If any demonstration should be got up for the 24th, or for any other Saturday, will those regiments now ordered to proceed thither for inspection in the Park be excluded and be relegated to their own headquarters? That is a question which I think is worthy the consideration of the Government. I am not acting in this matter in a spirit of criticism, but simply wish to know what we are to expect in the future. These demonstrations are now carried out in a different fashion from what they were formerly, for they are now held with the connivance and assistance of the Home Office. They cannot, as I understand, take place without previous communication with the Home Office, and police protection is afforded to them. I am, therefore, very anxious to hear from the Government that the Home Office will communicate with the Military Authorities with a view to making arrangements to prevent, if possible, such clashing of fixtures in the future, and that, at all events, some arrangements will be made whereby the Volunteers will not be deprived of a privilege which they value very highly.

*THE EARL OF WEMYSS thought that the noble Earl had done good service, not only to his regiment but to the nation, by calling attention to this subject. As the defence of the country depended so much on the efficiency of the Volunteer Force, he thought it was in the interest of the efficient training and drilling of the regiments that the inspections should be held in Hyde Park rather than in a barrack square. Speaking as honorary Colonel of the London Scottish, he pointed out that his regiment had also been ordered to parade for inspection at Chelsea Barracks instead of in Hyde Park, as previously arranged. That the corps filled the whole length of the square at Chelsea—there were 753 men on parade—and when they came to manœuvre they had to break in two, the

result being that the regiment was not seen to advantage or properly tested, as it ought to be. This was not only unfair to the regiment, but to the friends of the men and to the public. Now it appeared that the Volunteers were being shunted into barrack squares for the sake of demonstrations. He did not wish to say a word about the recent demonstration on the Local Veto Bill, nor as to the use of Hyde Park for the purpose. But he remembered the time when Hyde Park was forbidden ground for such demonstrations. It was through the weakness of the Home Secretary of the time and the weakness of the Park railings that the prohibition was broken down; and now demonstrations were held in the Park from time to time, to the great inconvenience of street traffic and the injury of the Park itself. But even though these demonstrations were allowed in the Park, he did not think that the Volunteer Force ought to be shunted in their favour to the detriment of the Force. He was not quite so guileless as the noble Lord (Earl Cadogan), and had no doubt that it was because the demonstration on Saturday was in favour of a Government Bill that the Government were probably anxious to see a demonstration in its favour. That demonstration had also its inspecting officer—the head of the Opportunists in Europe, the Chancellor of the Exchequer. He had witnessed the procession, and he could say that it was not a mass of working men; it was mainly a procession on wheels, consisting, so far as he saw it, of breaks, banners, bands, and boys, with no end of women and children, some of these being infants at the breast, who had not reached the length of water. He hoped that the Government would not be deluded into the belief that this demonstration, such as it was, was to be viewed as a great national demonstration in favour of the Local Veto Bill. If they were, at any rate, there would be an awakening at the next General Election.

THE UNDER SECRETARY OF STATE FOR WAR (Lord SANDHURST) said, he fully shared the respect and admiration which had been expressed for the Volunteer Force by the noble Earl; and he regretted as much as the noble Earl the inconvenience which had been caused to the regiment mentioned, as well as the

disappointment which they had suffered. The arrangement with reference to the Guards' ground had been altered owing to the demonstration and the inspection clashing. As to the future, he could only say that the Secretary of State and the other Authorities would, no doubt, be guided by circumstances as they arose.

*THE EARL OF WEMYSS: Which fixture came first—that of the regiment or the demonstration?

LORD SANDHURST said, he did not know when the date of the demonstration was fixed, nor, indeed, that any specific date had been fixed for it.

EARL CADOGAN: May I ask why, even when it was found the demonstration was going to take place, the inspection of the regiment was not allowed to go on upon the spot requested by the Colonel—on the south side of the Serpentine, where there was no demonstration?

LORD SANDHURST said, his answer must be that the increased crowd attendant upon such a demonstration rendered that step necessary.

*THE EARL OF WEMYSS said, the question he had interjected with regard to the dates of fixture was with the view of ascertaining whether in future, if a demonstration was fixed after a Volunteer inspection in the Park, the Volunteer corps would have precedence.

[The subject then dropped.]

ELECTRIC POWERS (PROTECTIVE CLAUSE).

Leave given to the Select Committee to hear parties interested, by themselves, their counsel, agents, and witnesses, so far as the Committee think fit: The evidence taken before the Select Committee from time to time to be printed for the use of the Members of this House; but no copies thereof to be delivered, except to Members of the Committee, and to such other persons as the Committee shall think fit, until further order. (No. 142.)

ISLE OF MAN (CHURCH BUILDING ACTS) BILL [H.L.]

A Bill to remove doubts as to the applicability of the Church Building Acts and New Parishes Acts to the Isle of Man—Was presented by the Lord Chancellor; Read 1st, and to be printed. (No. 143.)

OFFICIAL LIQUIDATORS (IRELAND)
BILL [H.L.]—(No. 43.)

Order of the 5th of May re-committing the Bill to the Standing Committee, discharged.

PRIVATE AND PROVISIONAL ORDER
CONFIRMATION BILLS.

Ordered, That Standing Orders Nos. 72 and 82 be suspended for the remainder of the Session.

PIER AND HARBOUR PROVISIONAL
ORDERS (No. 1) BILL.—(No. 117.)

Read 3^a (according to Order), and passed.

PIER AND HARBOUR PROVISIONAL
ORDERS (No. 2) BILL.—(No. 118.)

Read 3^a (according to Order), and passed.

LOCAL GOVERNMENT PROVISIONAL
ORDER BILL.

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDER (No. 3) BILL.—(No. 72.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 4) BILL.—(No. 115.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 5) BILL.—(No. 78.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 9) BILL.—(No. 116.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDER (HOUSING OF WORKING
CLASSES) BILL.—(No. 114.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

ELECTRIC LIGHTING PROVISIONAL
ORDERS (No. 4) BILL.—(No. 124.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

PIER AND HARBOUR PROVISIONAL
ORDERS (No. 3) BILL.—(No. 128.)

Read 2^a (according to Order), and committed to a Committee of the Whole House.

PIER AND HARBOUR PROVISIONAL
ORDERS (No. 4) BILL.—(No. 129.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

RAILWAY RATES AND CHARGES PRO-
VISIONAL ORDER (CRANBROOK
AND PADDOCK WOOD RAILWAY,
&c.) BILL.—(No. 130.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

EDUCATIONAL PROVISIONAL ORDER
CONFIRMATION (LONDON) BILL
[H.L.]—(No. 94.)

Read 2^a (according to Order).

ELECTRIC LIGHTING PROVISIONAL
ORDER (No. 5) BILL [H.L.]—(No. 89.)

House in Committee (according to Order): Amendments made: Standing Committee negatived: The Report of Amendments to be received To-morrow.

ELECTRIC LIGHTING PROVISIONAL
ORDER (No. 6) BILL [H.L.]—(No. 90.)

House in Committee (according to Order): Bill reported without amendment: Standing Committee negatived: and Bill to be read 3^a To-morrow.

BURGH POLICE (SCOTLAND) ACT
(1892) AMENDMENT BILL.—(No. 95.)

Read 3^a (according to Order), with the Amendments, and passed, and returned to the Commons.

SEAL FISHERY (NORTH PACIFIC) BILL
[H.L.]—(No. 132.)

House in Committee (according to Order): Bill reported without amendment: Standing Committee negatived: and Bill to be read 3^a To-morrow.

DUCHY OF CORNWALL BILL.

Read 1st, and to be printed. (No. 145.)

House adjourned at half past Six o'clock,
till To-morrow, a quarter
past Ten o'clock.

HOUSE OF COMMONS,

Monday, 12th June 1893.

QUESTIONS.

THE BENGAL GANJA COMMISSION.

MR. CAINE (Bradford, E.): I beg to ask the Under Secretary of State for India if he can now state what is the composition and Reference of the Bengal Ganja Commission?

*THE UNDER SECRETARY OF STATE FOR INDIA (MR. GEORGE RUSSELL, North Beds.): The Government of India have found it necessary, in order to ensure the thoroughness of the inquiry, to consult the Local Governments both as to the choice of members and as to the terms of Reference. It is hoped the matter will be settled by the end of the month, and as soon as we have the information I will hand it to my hon. Friend.

THE MANDAT-CARTE.

MR. HENNIKER HEATON (Canterbury): I beg to ask the Postmaster General whether his attention has been called to the system adopted in India, Switzerland, Germany, and other countries, of transmitting money by means of the "mandat-carte," that is, a kind of postcard entitling the addressee to receive from the postman delivering it the amount thereon endorsed, such amount having been previously deposited by the sender at the office of issue; whether he is aware that the total annual value of money-order and postal-order business in francs for each inhabitant is, in Germany, 122f., in Switzerland, 119f., and, in Great Britain, only 29f.; and whether he will consider the propriety of introducing the mandat-carte system in

the United Kingdom in the form recommended by the Postal Union, or some modification thereof?

THE POSTMASTER GENERAL (MR. A. MORLEY, Nottingham, E.): The subject referred to has been engaging my attention, but I have not yet received sufficient information to show whether it would be a desirable arrangement to adopt in this country.

THE GOVERNMENT AND THE TELEPHONE COMPANIES.

SIR J. FERGUSSON (Manchester, N.E.): I beg to ask the Postmaster General what progress has been made under "The Telegraph Act, 1892," in the acquisition of the trunk lines of telephones from the Companies, in the construction of additional lines, and in the delimitation of the exchanges?

MR. A. MORLEY: In reply to my right hon. Friend, I have to say that there has been some delay in carrying out the arrangements which were the subject of discussion before the late Government left Office, due partly to the death of the late Duke of Marlborough, who was one of those who conducted the negotiations on behalf of the Telephone Companies. Considerable progress has, however, now been made, and the delimitation of the exchange areas has been practically completed. I trust that the transfer of the trunk lines of the Companies to the Post Office will not be long delayed. The construction of seven additional lines by the Post Office, including a submarine telephone cable to Ireland, has been completed; and progress has been made with the construction of main lines from London to 12 towns in the North, including Glasgow and Edinburgh, and from South Wales and the South-West of England to the coal ports on the north-east coast. These works are of considerable magnitude, and I do not anticipate that they will be completed before the end of the financial year.

FOREIGN WHIPS.

MR. WOOTTON ISAACSON (Tower Hamlets, Stepney): I beg to ask the President of the Board of Trade whether he is aware that, owing to the great importation of foreign whips, which are subsequently sold as British, a grievous injury is inflicted on the workmen em-

ployed in whip-making in this country ; and whether he will take immediate steps to cause all imported whips to be marked with their place of origin ?

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside) : Whips not being separated from other articles of leathern manufacture on the import lists, I do not know how many are imported. If foreign whips are sold as British the vendors come under the provisions of the Merchandise Marks Act. I have no power to compel the marking of any article of merchandise.

THE CENTRAL TELEGRAPH OFFICE.

MR. THEOBALD (Essex, Romford) : I beg to ask the Postmaster General if he will state the number and rank of the officers in the Controller's Office at the Central Telegraph Office ; if it is his intention to continue to fill vacancies in that office by officers already within the office, excluding clerks on the staff outside the office, who may be many years senior and as efficient as those now within the Controller's Office ; and whether he will state the nature of the steps, if any, taken to ascertain whether clerks possess the special qualifications alleged to be necessary to fulfil the duties in that office ?

MR. A. MORLEY : As I informed the hon. Member in answer to a question on May 11, the Controller's Office has no separate classification, but the Controller selects from the general body of officers the best men he can find. There are at the present time 10 such officers—four ranking as Superintendents, two as Assistant Superintendents, one Senior Telegraphist, and three Telegraphists of the First Class. In answer to the second and third paragraphs, in the event of vacancies occurring, they will be filled in the future, as in the past, by the selection of men who are considered best fitted to perform the duties which require special qualifications and experience.

THE GALWAY AND CLIFDEN LINE.

MR. FIELD (Dublin, St. Patrick's) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether all the money has yet been advanced by the Treasury as a free grant to the Midland Great Western Railway Company of Ireland, contractors with the Treasury for the construction of the Galway and

Clifden Line ; whether the Government pay out of the balance in their hands, or compel the contractors to pay, the wages, about £800, due to the staff carmen and others ; whether the Government is aware that the Midland Great Western Company retained in their hands retention money from their sub-contractor over £7,000, and seized on his engines, horses, rails, wagons, &c., valued at £16,000, making, with work not paid for as alleged, in all about £30,000 ; whether he is aware that only about £3,000 was paid by the Midland Great Western Railway Company to labourers, and that great discontent exists among the *employés* of the Company ; and whether he will make inquiries into the circumstances of the case ?

***THE SECRETARY TO THE TREASURY** (Sir J. T. HIBBERT, Oldham) : There was paid up to 3rd May, 1893, the sum of £165,219, and the balance remaining is £99,381. The Government cannot interfere between the Midland Great Western Railway Company and the labourers employed by it or its agents. I have no information as to the circumstances alleged in paragraphs 3 and 4, nor do I consider it my duty to make inquiries, particularly as I understand that legal proceedings are pending.

MR. COBB (Warwick, S.E., Rugby) : May I ask if the engineer who has to pass the accounts of the contractor is permitted to have a pecuniary interest in the contract ?

SIR J. T. HIBBERT : I must ask for notice of that question.

A LIVERPOOL POSTAL GRIEVANCE.

MR. HENNIKER HEATON : I beg to ask the Postmaster General if he will explain why the annual leave of absence of Mr. Lascelles, a sorting clerk at Liverpool, has been suspended, although the official medical officer has certified that the health of this clerk will probably suffer in consequence, and that 15 months have elapsed since he was previously on leave of absence ; whether suspension of leave is a punishment opposed to the Rules of the Department ; and whether he will exercise his discretion to remove the suspension referred to ?

MR. A. MORLEY : I am informed that the medical officer at Liverpool has made no such Report as that stated in the question. Mr. Lascelles took a prominent part some months back in

transactions which involved serious breach of discipline; and after very careful consideration of all the facts, I decided that, in view of his expressions of regret as an alternative to a more serious punishment, his leave of absence should not be granted without special authority. My answer to the second and third paragraphs are in the negative.

THE NEW BATTLE-SHIPS.

LORD G. HAMILTON (Middlesex, Ealing): I beg to ask the Secretary to the Admiralty if he can now give in a Memorandum the dimensions, cost, &c., of the two battle-ships to be laid down this year; and whether the designs of the two proposed large cruisers will be complete and made known to the House before the discussion on Navy Estimates is resumed?

THE SECRETARY TO THE ADMIRALTY (Sir U. KAY-SHUTTLEWORTH, Lancashire, Clitheroe): The Memorandum as to battle-ships will probably be presented in two or three weeks, as the designs are now in the final stages. The designs for the two large cruisers are not yet sufficiently advanced to give particulars, but I adhere to the promise already given to furnish them.

SUNDAY DRINKING IN WALES.

MR. J. ROBERTS (Denbighshire, W.): I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to the practice of Sunday drinking in the open air at Cardiff; whether he is aware that, with the view of testing the legality of this proceeding, a summons was recently issued against James Donovan, who was charged with selling beer by retail, in contravention of Section 3 of "The Licensing Act, 1872"; whether he is aware that the Stipendiary Magistrate who tried the case dismissed the summons on the ground that the defendant and his associates, by assembling together under such circumstances, and by subscribing money for the purchase of beer which was consumed on the spot, constituted themselves into a *bonâ fide* club; that the transaction was not a sale of liquor, and that, therefore, no breach of the Licensing Act was committed; whether he has been informed that this decision has had a serious effect upon the continuance of this evil, and that further

Mr. A. Morley

test cases have been brought forward; and whether, in view of the important consequences of the decision in reference to the operation of the Welsh Sunday Closing Act, he will give his view of the law upon the point?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): I have had my attention called to this case, and have received from the Stipendiary Magistrate a copy of his Judgment. It appears from it that he was of opinion that to authorise a conviction there must have been a sale by retail, and the defendant must have been proved to be the seller, and that he did not consider that either of these points had been established. In his view, the defendant was merely a distributor of liquor provided by a fund raised by voluntary subscriptions. I am also informed that no steps have been taken to have the case carried to a superior tribunal, and that the time for doing so has elapsed. I have no authority to interfere with a decision of acquittal, even if I disagreed with it, and I do not, therefore, think it desirable that I should express any opinion on the law as it stands.

MARRIAGE LICENCES.

MR. PERKS (Lincolnshire, Louth): I beg to ask the Secretary of State for the Home Department whether he is aware that upon the marriage on Tuesday last of Mr. Campbell Swinton at St. George's Chapel, Albemarle Street, that gentleman was compelled to pay £25 to the officials of the Archbishop of Canterbury for a special licence to marry in that chapel, owing to the Bishop of London having declined to license the chapel (a proprietary one) for marriages, the Rector of St. George's, Hanover Square, the parish church, declining to consent to the licensing of the chapel for marriages; and whether he can inform the House who actually gets the benefit of the payment, or in what proportions or by what persons it is ultimately shared?

MR. ASQUITH: I must ask my hon. Friend to postpone this question until to-morrow, when I hope to be in possession of the necessary information which will enable me to answer it.

THE TRALEE AND DINGLE RAILWAY.

SIR T. ESMONDE (Kerry, W.): I beg to ask the President of the Board of Trade if he is aware that a train on the Tralee and Dingle Railway went off the rails on Thursday last at a place called Deelish, and also that a train on the same line had to remain over two hours the same day at Annascaul, being unable to proceed owing to the state of the line; and whether he will cause inquiry to be made into the condition of this line?

MR. MUNDELLA: I am informed by the Company that the branch line engine left the line at Deelish owing to the displacement of the rails caused by expansion due to extreme heat, and the main line train was delayed for a short time from the same cause. It is added that no injury was caused to anybody. My hon. Friend will remember that Major Marindin and Mr. Adams are at present engaged in holding an inquiry into the causes of the recent fatal accident on this line—an inquiry which I have reason to believe will, in itself, afford evidence as to the condition of the line.

CLASSIFICATION IN THE DOCKYARDS.

MR. FORWOOD (Lancashire, Ormskirk): I beg to ask the Secretary to the Admiralty what would have been the approximate additional charge on the Navy Estimates of last year had the workmen in Her Majesty's Naval Establishments been paid, instead of on a graduated or classified principle, at a uniform rate of wages based on the highest rate paid in each trade, not being a special rate; if he will state what would have been the amount of such increase, separately for each of the following trades and occupations: boiler makers, ship and engine fitters, joiners, skilled labourers, ordinary labourers, shipwrights, smiths and hammermen, other trades and occupations; and how many men have been advanced from the lower to the higher rate of pay under the terms of the Admiralty Circular of 27th June, 1892, in addition to vacancies created in the ordinary way, by deaths, superannuations, and discharges?

SIR U. KAY-SHUTTLEWORTH: The information desired in the last paragraph can only be obtained by reference

to the yards. If this part of the question is repeated in a few days' time, I shall be happy to answer it. The first two paragraphs consist of a purely hypothetical question—namely, what would have been the burden thrown on the late Board of Admiralty's Estimates by changes which were not made, and, so far as I know, never were even contemplated. The right hon. Gentleman can scarcely expect the present Board to institute hypothetical calculations of this character as to what the cost might have been if the late Board had adopted a policy totally different from what they actually carried out.

MR. KEARLEY (Devonport): I should like to ask the right hon. Gentleman if it is not a fact that this classification has caused general dissatisfaction since its introduction two years ago by the late Government, and if among the shipwrights alone no less than 3,600 out of 4,000 men have signed a Petition protesting against its continuance?

MR. FORWOOD: Is it not the case that all the other *employés* approve the system?

SIR U. KAY-SHUTTLEWORTH: I believe a large amount of evidence in the direction indicated by the hon. Member for Devonport has been received by my hon. Friend the Civil Lord of the Admiralty.

MR. FORWOOD: Will the right hon. Gentleman, in announcing his decision as to classification, state the effect on the Estimates?

SIR U. KAY-SHUTTLEWORTH: Certainly.

*MR. GIBSON BOWLES (Lynn Regis): Can the right hon. Gentleman state if the workmen who are dissatisfied with the system are those at the top of the list or those at the bottom?

[The question was not answered.]

ADMIRALTY CONTRACTS.

MR. W. ALLAN (Gateshead): I beg to ask the Secretary to the Admiralty the prices quoted by, and name of, each firm tendering for the following vessels lately sold by the Admiralty, namely:—*Rover*, *Watch Vessel No. 28*, *Eagle*, *Otter*, *Orontes*, *Victoria*, and *Procris*; and to what firm or firms were they sold?

SIR U. KAY-SHUTTLEWORTH: I shall be glad to give to my hon. Friend a list of the firms who purchased the

vessels named in his question, and of the prices received for them. It would not be consistent with the practice of the Admiralty to state the amounts of the unsuccessful tenders.

MR. ALLAN: Could not the ships be sold by auction instead of being tendered for?

MR. HANBURY (Preston): Are these tenders put out to open competition or only offered to a few firms?

MR. FORWOOD: Is the right hon. Gentleman aware that the system of selling by auction was tried and had to be abandoned?

SIR U. KAY-SHUTTLEWORTH: I think that notice should be given of all these questions. If the hon. Member will refer to the records of the Public Accounts Committee he will find that the auction system has been tried.

EDUCATIONAL CENSUSES.

MR. TALBOT (Oxford University): I beg to ask the Vice President of the Committee of Council on Education whether he is aware that a demand has been made by one of Her Majesty's Inspectors upon the managers of a voluntary school in Kent for a house-to-house census of the population residing within two miles of such school; and whether such demand has been made under the authority of the Department; if so, under what powers such demand is made?

*THE VICE PRESIDENT OF THE COUNCIL (MR. ACLAND, York, W.R., Rotherham): The Department require to be satisfied, before paying a grant under Article 104 or 105 of the Code, that the population is within the limits stated by those Articles; and where the claim is made on the ground that the population within two miles of the school is below a certain number, the Department does not pay the grant without ascertaining the actual population in the manner stated in the question. The Department has full powers to call for such Returns under Article 87 of the Code.

MR. TALBOT: Does the right hon. Gentleman say that it has a right to demand that the managers of private voluntary schools should take such a census?

MR. ACLAND: Yes; it can be demanded of any Board of Managers.

Sir U. Kay-Shuttleworth

MR. J. LOWTHER (Kent, Thanet): What statutory powers have the managers to take such a census?

*MR. ACLAND: I imagine they have powers. At any rate, we often ask for censuses and find no difficulty.

BUTTER RATES BETWEEN ENNIS AND CORK.

MR. W. REDMOND (Clare, E.): I beg to ask the President of the Board of Trade whether he is aware that the Great Southern and Western Railway Company are charging 4d. per firkin more than last year for single firkins sent from Ennis to Cork and intervening stations; and whether he will make any representation to the Company on the subject?

MR. MUNDELLA: I have already made representations on the subject, and the Board of Trade have now received a letter from the Manager of the Waterford and Limerick Railway, in which he says that that Company will agree to a rate of 16s. 5d. per ton—station to station—for butter by goods train from Ennis to Cork, and that this will only mean an increase of 1d. on a firkin of three quarters weight on the old rate. The Manager of the Great Southern and Western Company has agreed to the same rate.

MR. FIELD: May I ask whether a rebate will be allowed to those traders who have been charged the extra rates since the beginning of the year?

MR. MUNDELLA: It is always understood that a reduction of the rates involved such a rebate.

MR. W. REDMOND: Will the right hon. Gentleman convey that opinion to the Railway Companies?

MR. MUNDELLA: I do not think it is required. Still, I will do so if it is shown that the repayment is refused in any cases.

MR. FIELD: The undertaking to repay is not always acted up to.

THE IRISH MAGISTRACY.

MR. THEOBALD (Essex, Romford): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland what steps have been taken by the Lord Chancellor in the case of Mr. John Clune, who was appointed a Magistrate for Limerick by the present Government, in consequence of his having presided at a meeting at

which a so-called landgrabber was denounced, and boycotting resolutions were passed?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): The statement as to Mr. Clune only appeared in a newspaper report. I understand from the Lord Chancellor that he is taking steps to obtain evidence as to the real facts, and when he has ascertained them he will take such action as the case requires.

GREENWICH AGE PENSIONS.

MR. KNATCHBULL-HUGESSEN (Kent, Faversham): I beg to ask the Chancellor of the Exchequer whether he has had under his consideration the Report of a Committee of the House of Commons, presented last year, upon the subject of the Greenwich Age Pensions; and, if so, whether he has arrived at any decision in reference thereto?

THE CHANCELLOR OF THE EX-CHEQUER (Sir W. HARCOURT, Derby): Part of the recommendations of the Committee have already been acted upon, but in the present state of the finances it is impossible to make any further provision.

THE 4TH V.B. WEST SURREY REGIMENT.

MR. J. ROWLANDS (Finsbury, E.): I beg to ask the Secretary of State for War whether he is aware that a member of the 4th V.B. West Surrey Regiment, being in delicate health, was advised not to attend the Review; but, having a full knowledge of the dismissal of Colour Sergeant Sleep last year, he went to Brighton, with the result that he died the following week; a military funeral was then ordered or sanctioned by the Commanding Officer; but, although between 200 and 300 men paraded under arms, not a single commissioned officer put in an appearance; and whether this constituted an infringement of the Volunteer Act on the part of the commissioned officers?

***THE SECRETARY OF STATE FOR WAR** (Mr. CAMPBELL - BANNERMAN, Stirling, &c.): The deceased member of the Volunteer corps was not known to be in delicate health, and his attendance at the Review was entirely voluntary. As an acknowledgment of the good service the deceased sergeant had rendered,

the Commanding Officer ordered a military funeral with a parade of the sergeants' company. The Captain of the company was unfortunately prevented from attending by the serious illness of a near relative; but the Commanding Officer was present, though, as it was only a company parade, he could not appear in uniform. There is no power to compel attendance on such an occasion.

MR. J. ROWLANDS: Is it not a fact that when this sergeant asked to be relieved on the occasion of a special parade he was told that if the state of his health permitted him to attend to business engagements, it would not interfere with the performance of his military duties; and was it not his knowledge of the way in which Colour Sergeant Sleep was treated, and the threat that he must attend or send in his resignation, that induced him in his bad state of health to be present?

***MR. CAMPBELL-BANNERMAN**: I am not aware of the intricate details of this matter; but I understand this sergeant was one of the first to intimate his willingness to attend the Easter Review, and I am unable to find any trace of compulsion.

MR. J. ROWLANDS: Is it not a fact that a colour sergeant with 28 years' service had been dismissed from the corps previously because he declined to attend a Review on account of the state of his health?

***MR. CAMPBELL-BANNERMAN**: I see what the hon. Member thinks may have been the effect on the second sergeant named, but, as a matter of fact, he died of a complaint which was not at all connected with any state of health in which he may have been at the time of attending the Review.

POSTCARDS AND ADHESIVE LABELS.

MR. FORWOOD: I beg to ask the Postmaster General whether printing the address on a halfpenny postcard, or placing an adhesive label with a printed address on the same, are contrary to the Post Office Regulations, and subjects the receiver of a postcard so addressed to the payment of 1d. extra postage; if so, whether he will alter the Regulations so that a type-written or printed address may be accepted, whether it be

on the card itself or fixed thereto by adhesive material?

MR. A. MORLEY: The Regulations sanction the address on a postcard being type-written or printed, and the use of an adhesive label with a type-written or printed address; but if a label is employed, it must not exceed two inches in length by three quarters of an inch in breadth. I would refer the right hon. Member to Rule 2 on page 5 of the *Post Office Guide*.

MR. FORWOOD: I have sent the right hon. Gentleman a label; can he tell me why it was ruled out of order?

MR. A. MORLEY: Its dimensions were in excess of the limits laid down by the Rules.

MR. FORWOOD: It was half an inch too large?

MR. A. MORLEY: I think it was nearly double the proper width.

THE CLYDE DREDGINGS.

MR. MACFARLANE (Argyll): I beg to ask the President of the Board of Trade if he is aware that the Clyde Lighthouse Trustees, notwithstanding that the deposit of filthy dredgings from Glasgow and the Clyde generally has been prohibited, continue to deposit the dredgings of Greenock and Port Glasgow in Loch Long; whether this action, on the part of the Trustees, has the sanction of the Board of Trade; whether he has received Petitions from fishermen and others praying for protection; and what course he proposes to adopt?

MR. MUNDELLA: Complaints have recently been received by me on the subject referred to by the hon. Member. By statutory powers the Clyde Lighthouse Trustees are authorised to improve, deepen, dredge and widen the navigable channel of the Clyde within certain specified limits, and to deposit the stuff dredged in the contiguous lochs or sea. The Act in question was passed in 1880, and will expire in 1895. No sanction has been applied for, and none has been given by the Board of Trade.

MR. MACFARLANE: Is it not in the power of the Board of Trade to prevent persons depositing unclean matter in any of the lochs? Is the only resource for the inhabitants either death from disease or an expensive action at law?

MR. MUNDELLA: The Board of Trade cannot over-ride an Act of Parlia-

ment which was granted 13 years ago. When it expires, the Board will interfere in the matter.

MR. MACFARLANE: Do the powers of the Clyde Lighthouse Trustees apply to the docks at Greenock and at the Port of Glasgow?

MR. MUNDELLA: They apply within certain areas. I cannot now say what those areas are.

THE NEW COUNTY HALL FOR LONDON.

MR. WHITMORE (Chelsea): I beg to ask the First Commissioner of Works whether there has been, or is, any scheme for the erection of Government Offices on the vacant land to the west of Parliament Street, and between Great George Street and the Offices of the Local Government Board, on which it is now suggested that a new County Hall for London should be built?

THE FIRST COMMISSIONER OF WORKS (MR. SHAW LEFEVRE, Bradford, Central): There was some years ago a scheme for erecting Government Offices on the site fronting Parliament Street now offered to the London Council; but successive Governments appear to have decided against it, and in the opinion of the present Government there is no need for the erection of Offices on this site. A portion of the land behind King Street and fronting the India Office may be required for the purpose; but this is not included in the site offered to the London Council.

THE SITE OF THE MILITARY EXHIBITION.

MR. WHITMORE: I beg to ask the Financial Secretary to the War Office whether he can state in what way the Commissioners of the Royal Hospital, Chelsea, are proposing to deal with the lands adjoining it and Gordon House, in which the Military Exhibition was held, and which are now unused?

THE FINANCIAL SECRETARY TO THE WAR OFFICE (MR. WOODALL, Hanley): The front portion of the Gordon House property, facing the Thames Embankment, has been let by the Chelsea Commissioners on building lease. An agreement has been come to as regards the remainder of the property; but the lease is not yet signed.

CHARITY SCHEMES.

MR. STOREY (Sunderland): I beg to ask the hon. Member for Merionethshire whether he will make arrangements by which a copy of each new scheme proposed by the Charity Commissioners for a Charity may be placed in the Library of this House at the same time as copies are sent to the local newspapers for the information of the locality?

THE PARLIAMENTARY CHARITY COMMISSIONER (Mr. T. E. ELLIS, Merionethshire): This question may be answered by quoting the reply given on 17th April last to a similar question put by the hon. Member for the Maldon Division of Essex; that answer was as follows:—

“The question of placing copies of these numerous Schemes in the Library of the House would seem to be one for the decision of the House itself. It may be added that steps are always taken by the Commissioners to carry out the provisions of the Charitable Trusts Acts and Endowed Schools Acts by giving such public notice in the localities affected as may be most effectual for insuring the publicity of the Schemes. Further, in deference to a wish expressed in the House a few years ago, a complete list of Schemes published and not yet finally settled is kept in the Office of the Commissioners for inspection by the public on application to the Secretary of the Commission.”

MR. STOREY: May I point out to my hon. Friend that, although the Schemes under consideration are numerous, those actually settled are few? Surely those few could be placed in the Library.

MR. T. E. ELLIS: The number of Schemes settled in any one week may be small, but those under consideration may be numbered by scores and by hundreds.

MILLBANK PRISON SITE.

MR. STUART-WORTLEY (Sheffield, Hallam): I beg to ask the First Commissioner of Works whether he has conveyed, or offered to convey, any part of the Millbank Prison site to the London County Council; if so, what is the acreage of the part so to be dealt with; and whether the London County Council are to pay any price for such land; if so, whether any, and what, price has been fixed?

MR. SHAW LEFEVRE: The Government have offered a portion of the site at Millbank to the London Council—about 9 or 10 acres—for the

erection of artisans' dwellings. The price asked for the land is £2,500 per acre. The London Council has the offer now under its consideration.

MR. STUART-WORTLEY: May I ask whether the right hon. Gentleman was advised that £2,500 per acre represented the fair market price of the land, and one which in the interests of the taxpayers he was bound to ask?

SIR W. HARCOURT: I will answer that question. As I consider that it is very desirable that this land should be appropriated to the building of artisans' dwellings, I offered the land at a price below the market value, if they would take it for that purpose.

MR. STUART-WORTLEY: Is it not the fact that the principle of obtaining a fair market price for this land was forced on the Conservative Government in 1885 by the Liberal Party, which had a majority in the House, and exercised power without responsibility?

SIR W. HARCOURT: I cannot go back on these questions. I had to determine at what price the land should be offered. I have offered it at a price which I think is appropriate to the purpose to which it is to be devoted, and I am prepared to defend my action.

SIR J. GORST (Cambridge University): Has the right hon. Gentleman acted under the authority of a Statute?

SIR W. HARCOURT: I have acted on my own authority.

MR. HANBURY: Is the right hon. Gentleman prepared to apply the same principle all over the country in the case of all Borough and County Councils?

SIR W. HARCOURT: I will answer that question when the case arises.

MR. DARLING (Deptford): May I ask whether the right hon. Gentleman has made the County Council enter into a contract to let the dwellings to be erected to workmen at less than the market rent, seeing that they are getting the land at less than market value?

[No answer was given.]

CUSTOMS EXAMINING OFFICERS.

MR. THEOBALD: I beg to ask the Secretary to the Treasury whether he is aware that the Board of Customs have refused to recognise the right of examining officers to an alternate fortnightly half-holiday granted to them by Treas-

surey Order, 1891, and that, in certain cases, officers on landing and shipping duties can only obtain a fortnightly half-holiday at a monetary loss; and whether he can take any steps to grant to these officers the holiday recommended by the Treasury?

*SIR J. T. HIBBERT: I am not aware of the existence of any such Treasury Order. Examining officers employed on landing and shipping duty, or any other duties, when allowed by their superiors leave for part of a day, do not incur any loss of salary. If such leave should affect the 48 hours a week, which an officer employed on landing and shipping duty is required to serve before becoming entitled to Crown overtime, a monetary loss might result. The rules do not call for any alteration.

REDUCTION IN THE NUMBER OF LONDON SURVEYORSHIPS.

MR. THEOBALD: I beg to ask the Secretary to the Treasury whether his attention has been directed to the Treasury Minute of 24th March, 1891, instructing the re-creation of seven out of the 22 Surveyorships in London, which have been allowed to lapse since 1882; and whether the reduction in the number of Surveyorships, as shown in the Estimates for 1893-4, will deprive officers of the increased flow of promotion promised in the above-mentioned Minute?

*SIR J. T. HIBBERT: The Treasury Minute of 24th March, 1891, re-created in the Port of London three first class and four second class Surveyorships, and promotions to the re-created places were accordingly made. The re-created places in the first and second classes will remain until the whole of the third class Surveyors serving at the date of the Minute, who may be fit for promotion, shall have been promoted, as directed by the Minute.

INCOME TAX.

MR. BARTLEY (Islington, N.): I beg to ask the Chancellor of the Exchequer by what authority Income Tax at the rate of 7d. in the £1 is being deducted from dividends for the half-year ending 1st June paid on 1st June?

SIR W. HARCOURT: It is assumed that the question refers to foreign and colonial dividends. The Statutes governing the matter are the Income Tax Acts of 1842 and 1853, the "Act to

amend the law relating to the Inland Revenue," 1861, and the "Customs and Inland Revenue Act," 1866.

MR. BARTLEY: Was it not distinctly stated in the Customs and Inland Revenue Bill this year that the rate of 7d. was to be charged for the year which commenced on the 6th of April, 1893, and, if that is so, how can the charge of 7d. be made for the previous six months?

SIR W. HARCOURT: If the hon. Member will look at the Statutes which he has referred to he will find that dividends on foreign securities are liable to be taxed when they arrive.

LEITRIM PARLIAMENTARY REGISTER.

SIR T. ESMONDE: In the absence of the hon. Member for North Leitrim, I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that Mr. James Faris, Clerk of the Peace for the County of Leitrim, neglected, at the last Presentment Sessions for the county at large, to enter a presentment for the printing of the Parliamentary Register of the county for the coming year; is there any rule in existence in Ireland requiring Clerks of the Peace to call for tenders for the printing of County Registers, and to leave the contracts open to public competition; and will he, in the interest of the cesspayers, be good enough to order an inquiry into the action of Mr. Faris in regard to the printing contract for the County Leitrim Parliamentary Register in this and previous years?

MR. J. MORLEY: I have not yet completed my inquiries in this matter, and would ask the hon. Member, therefore, to postpone the question for a couple of days.

THE RECENT RIOTS IN BELFAST.

MR. PICTON (Leicester): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he has seen a statement issued by the Catholic Committee in St. Mary's Hall, Belfast, and entitled a *True Account of the Riots in Belfast in the month of April, 1893*; whether he has now information which enables him to confirm or to deny the statements therein made as to the rioting and wrecking in North Street and Carrick Hill; as to the looting of

Connolly's house ; and as to the repeated attacks on Catholic workmen in Queen's Island in the absence of the police ; and whether, on a review of the whole evidence, he can now state what provocation the Protestant population had received ?

*SIR E. HARLAND (Belfast, N.) : Is it not true that peace and order have been again restored in those particular districts in Belfast ; that both the Catholics and the Protestants are working together ; and is it not unwise to rake up this unfortunate disagreement amongst them ?

MR. J. MORLEY : In answer to the question of the hon. Baronet, I can only say that I do not think it is quite fair that I should be called upon to judge of the wisdom or unwisdom of the questions put to me. With regard to the question on the Paper, I have seen the statement referred to. I can only say that I find nothing in this publication, nor have I received any subsequent information, which materially affects the view of these disturbances which I gave to the House on April 28.

MR. PICTON : Is the right hon. Gentleman aware that there has been deliberate and persevering looting, and that Connolly's house was persistently attacked and set fire to ?

MR. J. MORLEY : I adhere entirely to the account I gave of the transaction.

H.M.S. "GARNET" AT CALLAO.

SIR MARK STEWART (Kirkcudbright) : I beg to ask the First Lord of the Admiralty if any Report has been received as to the circumstances under which the officers of H.M.S. *Garnet*, at Callao, were said to have instituted a rifle competition on Sunday, 19th June, 1892, at Lorenzo Island, and also to have taken a leading part in a regatta at Callao on Sunday, 26th June, 1892 ; whether it is in accordance with Article V. of the Naval Discipline Act to employ the men on Sundays in boat races or rifle matches ; and if he will lay the Report upon the Table, and also state what steps the Naval Authorities propose taking for the prevention of such conduct in the future ?

SIR U. KAY-SHUTTLEWORTH : A Report has been received upon this subject from the Captain of the *Garnet*. From this it appears that the officers of

the *Garnet* did not institute the rifle competition, and that they were only spectators at the regatta. Moreover, the men were not employed as alleged. Article I. of the Naval Discipline Act does not apply to officers and men on leave, who are not interfered with unless anything disgraceful or improper is brought to the notice of the Authorities. Nothing of such a character seems to have occurred on the occasion in question, and the Admiralty do not propose to take any steps in the matter.

PROVIDENT SOCIETIES AND INCOME TAX.

MR. E. H. BAYLEY (Camberwell, N.) : I beg to ask the Chancellor of the Exchequer if he will kindly state if there are any Societies, and, if so, how many, whose incomes exceed £1,000 per annum, which do not pay Income Tax by reason of the provisions of "The Industrial and Provident Societies Act, 1876," Section 11, Sub-section 4 ?

SIR W. HARCOURT : The Act referred to provides that such Societies "shall not be chargeable under Schedule C or Schedule D of the Income Tax Acts." Consequently, as no return of profits is made by such Societies, and their names do not appear in any Income Tax assessments, I have no information which would enable me to answer the question.

MR. HOWELL (Bethnal Green, N.E.) : May I ask whether it is not the fact that the members of such Societies, whose incomes are chargeable with Income Tax, have to pay Income Tax ?

SIR W. HARCOURT : I suppose as individuals they would pay, but I am asked as to the Societies.

MILITARY WATER SUPPLY AT AGRA.

SIR W. HOULDSWORTH (Manchester, N.W.) : I beg to ask the Under Secretary of State for India whether he has been informed that the water supplied to the troops in the City of Agra is drawn from wells which are more or less contaminated, while at the same time there is a plentiful supply of pure water to be obtained from waterworks, but which has never been laid on to the cantonments ; and, if so, can he inform the House why this has not been done, and if he is aware that deaths are constantly occurring at Agra from en-

teric fever brought on by drinking impure water ?

*MR. G. RUSSELL : The necessary work for the extension to cantonments of the water supply from the Agra Municipality has been in progress since last year, but there is no information here as to when it will be completed. The garrison in the Fort of Agra have been supplied with water from the municipal works since the beginning of 1892. The Secretary of State has no information as to any unusual number of deaths from enteric fever at Agra.

ENDOWED CHARITIES IN WILTSHIRE AND GLOUCESTERSHIRE.

MR. FULLER (Wilts, Westbury) : I beg to ask the hon. Member for Merionethshire, as a Charity Commissioner, whether the Charity Commissioners are preparing a Digest of all Endowed Charities in each county, the particulars of which are recorded in their books, but are not recorded in the General Digest of Endowed Charities in each county ; whether, without any Motion being made in Parliament, Returns will be made of unpaid rent-charges in each county ; and whether such Returns are being prepared for the County of Wilts ?

MR. T. E. ELLIS : The Charity Commissioners, as stated in paragraphs 10 and 11 of their 38th Report to the Queen, and repeated in paragraph 8 of their last (40th) Report, for the year 1892, undertake to furnish to every County Council making a definite request by resolution a Digest of the kind mentioned in the question ; and they will prepare a Return of rent-charges unpaid in any given county on receiving a like request. A Digest of Charities in the County of Wilts has already been presented to the House of Commons, and has been ordered by the House to be printed ; and a Return of unpaid rent-charges in that county is in course of preparation.

MR. H. W. L. LAWSON (Gloucester, Cirencester) : Is a similar Digest being prepared for Gloucestershire ?

MR. T. E. ELLIS : I am not aware, but I will inquire.

Sir W. Houldsworth

MUTINY OF LASCAR FIREMEN AT TILBURY DOCKS.

MR. CAINE : I beg to ask the Secretary of State for the Home Department if his attention has been called to a mutiny which broke out on 30th May on board the Bibby liner steamship *Yorkshire*, lying in Tilbury Docks, among the Lascar firemen, in consequence, as alleged by them, of harsh treatment from the engineers of the steamer ; whether he is aware that, on Friday last, one of these Indian seamen was sentenced to two months' imprisonment, another to six weeks, and three more to one month each, with hard labour in each case ; and that on Monday 32 more were sentenced to 10 days' hard labour for leaving their work, all of the prisoners being undefended, while the prosecutors were represented by solicitors ; whether he is also aware that the statements of the prisoners were translated by an interpreter to the Court, while what the solicitors for the prosecution said, and their witnesses deposed, was not translated to the prisoners, preventing them from making any adequate defence ; and that the prisoners declared in Court on Monday that they had been kept without rations and water for two or three days after the outbreak ; and whether he will cause careful investigation to be made into the matter, with a view to the immediate release of the prisoners ?

MR. ASQUITH : I have made careful inquiry into all the circumstances connected with these two sets of convictions. The facts as to the sentences imposed are correctly stated in the second paragraph of the question. The longer sentences were imposed for an assault committed by five of the Lascars upon the second engineer. The attack was a concerted one, and was carried out by men who had armed themselves with crow-bars and other iron instruments. The injuries inflicted were of a serious character, and the Magistrates were in some doubt whether they ought not to send the case for trial. Allegations of harsh treatment by the engineers in the course of the voyage were made by the Lascars, and denied by the officers, and I have directed the evidence to be laid before the Board of Trade. But the second engineer, who was the victim of the assault, had only joined the vessel the

day before, and I cannot say that, on the facts proved, the punishment was excessive. After these convictions a large number of the men refused to do any work unless both the chief and the second engineer were discharged and the men in custody released. They were accordingly prosecuted for a breach of Section 243 of the Merchant Shipping Act—that is, for disobeying a lawful command of the officers. The allegation that the men had been deprived of food and water was denied, and does not appear to have been sustained by the evidence. As to the procedure, it is true that the prisoners were undefended; but I am informed by the Magistrates that on both occasions the whole of the evidence was translated to the defendants by a native missionary engaged at the Thames Church Mission. Written statements by the defendants were handed up to the Bench, who cross-examined the witnesses upon them, and at the request of the Magistrates the defendants elected two or three of their number as spokesmen, and these men made statements, cross-examined witnesses for the prosecution, and called evidence for the defence. Upon the whole, though I regret that these ignorant men had not the advantage of professional assistance, I see no reason to doubt that they had a fair trial, and that the Magistrates gave them every possible opportunity of putting forward their case.

OUTRAGE IN GALWAY.

MR. MACARTNEY (Antrim, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he is aware that an ass, the property of a widow living near Dunmore, County Galway, which was found grazing on an evicted farm, was mutilated by having its tongue burnt out; and whether any person has been made amenable for this outrage?

MR. J. MORLEY: I am informed that the brutal outrage referred to in the question did take place, but that the motive assigned in the question is not correct. The animal had been trespassing among the oats of some neighbours. I am sorry to say that nobody has been made amenable.

THE AMERICAN MAILS.

MR. MACARTNEY: I beg to ask the Postmaster General at what hour and

day the *Campania* and *Paris* arrived at Queenstown and Southampton respectively; and when the mails brought by these vessels were delivered in London, Dublin, Belfast, Liverpool, Manchester, and Glasgow?

MR. A. MORLEY: The *Campania* arrived at Queenstown on the 9th instant, at 11.30 a.m., and the *Paris* at Southampton on the 10th instant, at 5.57 p.m. The Correspondence brought by the *Campania* was delivered at Dublin on Friday night, and at the rest of the places named on Saturday morning, and that brought by the *Paris* was delivered at the several places named either yesterday or to-day.

MR. MACARTNEY: Were the mails brought by the *Paris* able to catch the night mail on Saturday?

MR. A. MORLEY was understood to reply in the negative.

SHIPPING REGULATIONS AT BOMBAY.

MR. CAYZER (Barrow-in-Furness): I beg to ask the Under Secretary of State for India whether the Bombay Government, in applying to British vessels regulations as to the load line which are not made applicable to foreign vessels when loading at Bombay, have given foreign ships an advantage of one-twentieth per cent. in their earning capacity over British vessels; whether the regulations for shipping at foreign ports is applied to shipping of every nationality; if he can state on what grounds foreign ships loading in India are exempt from the operations of the Load Line Act, to which they are subject in the United Kingdom; and whether he will take steps to remedy this injury to the British shipping interests, and give immediate instructions to have the same regulations applied to foreign and British vessels when loading at Indian ports?

***MR. G. RUSSELL**: The Secretary of State is not aware that foreign vessels loading at Indian ports enjoy the advantage suggested in the question. He will inquire as to the instructions to Customs and Port Authorities in India regarding the loading of foreign vessels, and the detention of overloaded foreign vessels clearing from Indian ports. The result of the inquiry will be communicated to the hon. Member. The Secretary of State is not able

to give a specific answer to so wide a question regarding the practice of foreign nations.

FRANCE AND SIAM.

SIR R. TEMPLE (Surrey, Kingston): I beg to ask the Under Secretary of State for Foreign Affairs whether Her Majesty's Government have, within the last few days, any information which they can communicate to the House regarding the movements of the French on the River Mekong, or in the eastern districts of the Siamese Kingdom?

***THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS** (Sir E. GREY, Northumberland, Berwick): The only recent information that has reached Her Majesty's Government has been that given by the French newspapers, as there are no British Agents at or near the localities affected. According to the *Matin* of June 3, the Siamese had evacuated the post of Cam-Mon, and the French had occupied Stung-Treng and Khong. The same paper announced, on the 7th instant, that Monsieur Delcassé, the Under Secretary of State of the French Colonial Office, had received a telegram from the Governor General of Indo-China announcing that the Vice President, Monsieur Dubrenil, had arrived at the confluence of the Sebang-Hien and the Mekong, opposite to Kemmarat, and that the French had possessed themselves of all the posts occupied by the Siamese between Cam-lo and Kemmarat, from which the Siamese had retired to the right bank of the Mekong. But I must repeat that this intelligence comes to us entirely through the French Press, and that we have no direct information from Siam on the subject. Negotiations are still proceeding between the French and Siamese Governments with reference to the territory in dispute.

MR. GIBSON BOWLES: May I ask whether there is any objection to laying on the Table of the House the Correspondence affecting Siam which has passed between Her Majesty's Government and the Government of France?

***SIR E. GREY**: I believe I am correct in saying that no Correspondence has taken place between Her Majesty's Government and the Government of France. But if any Correspondence had

passed it could not be laid at this stage of the proceedings.

MR. GIBSON BOWLES: Might I ask whether any Correspondence that has taken place between Her Majesty's Government and the Siamese Government can be laid?

***SIR E. GREY**: As I have said, negotiations are proceeding between the Siamese and the French Governments, and I cannot imagine anything more undesirable than to publish any Correspondence at this stage.

FREE EDUCATION.

SIR R. TEMPLE: I beg to ask the Vice President of the Committee of Council on Education as to the meaning of the words "with regard to districts where all school places are not yet free," which occur in the Memorandum on Free Education recently issued by the Education Department; and whether they indicate any intention of the Department to press for the extinction of all school fees?

MR. ACLAND: The words quoted by the hon. Member indicate no intention on the part of the Department to deviate from the strict administration of the Act of 1891, under which certain schools are permitted to charge fees. All parents have a right in every district to free places if they desire them, and are entitled to write to the Department claiming such free places if they have any difficulty. The object of the Memorandum is to make clear the method by which free education, where it is desired, can be obtained.

MR. J. G. TALBOT: Is the right hon. Gentleman also clear that this demand can only be made on those schools in which education is free?

MR. ACLAND: A Memorandum showing people how to get education free in districts in which education is universally free would be of no use. The object of the Memorandum is to show them where they can get free education in districts in which education is not universally free.

WRITERS AND ABSTRACTORSHIPS.

SIR R. TEMPLE: I beg to ask the Secretary to the Treasury whether he is aware that writers with over 20 years' service at the time of promotion to abstractorships have commenced at the

same salary as a writer, similarly promoted, with only 16 years' previous service; and whether the Government would arrange (where the merits in each case have been identical except as to length of service) that men so promoted may be enabled to reach their maximum salary after the same number of years' service as those with less previous service?

***SIR J. T. HIBBERT**: The appointment of copyists to abstractorships depends upon the nature of the duties to be performed, and has no reference to their previous service. The rule as to the salary at which copyists take up their appointments as abstractors is simple and intelligible, and it is not possible to make any change such as the hon. Baronet desires.

THE ROYAL COURTS OF JUSTICE.

MR. DARLING: I beg to ask the Secretary of State for the Home Department whether he is aware that, in consequence of the insufficiency in the provision of Courts at the Royal Courts of Justice, a Judge was, on three separate occasions, between Easter and Whitsuntide last, unable to give his attendance in Court; and whether the Government have under their consideration any plan for providing more adequate accommodation at those Courts?

MR. ASQUITH: In my opinion Lincoln's Inn Old Hall is a very convenient and proper place for the purpose, and very much more convenient than any of the Royal Courts of Justice. Why a Judge is sitting there I do not know. I was not aware of the absence of a Judge on the occasions referred to by the hon. Member, or of the insufficiency of necessary accommodation. I understand that, with the two Courts which now sit at Guildhall, the additional room which has been fitted up as a Court in the Royal Courts, and the Old Hall of Lincoln's Inn, which has been placed at the disposal of the Judges by the Benchers, there is an adequate number of Courts for all the requirements of business. I am informed by the Lord Chancellor that, following the recommendations of the Judges, arrangements of judicial business are in progress which will materially diminish the pressure now occasioned at intervals during the sittings.

GOVERNMENT LABOURERS.

MR. FORWOOD: I beg to ask the Secretary of State for War whether, when the minimum rate of wages of "labourers" in certain Departments of the Admiralty and War Office is increased, artisans and skilled workmen will be included in the term "labourers;" and, if so, will he state what are the trades on which the men whose wages are too low are employed?

MR. WOODALL: Artisans and skilled workmen are distinguished from labourers, who, in their turn, are divided into "skilled" and "unskilled." The decision of the Government has special reference particularly to the latter class of men, whose wages in certain cases are rated at figures which, in the opinion of the Government, are lower than are paid by the better class of private employers, do not afford the means of proper subsistence, and do not offer sufficient incentive to the men to discharge their duty with zeal and diligence. In the confident hope that the Public Service will realise the advantages that have followed like liberality in private enterprise, the Government has determined to lift the standard minimum rating, discriminating, of course, according to the nature of the employment, the local conditions, and the capacity of the workers.

ARMY MEDICAL OFFICERS' GRIEVANCES.

DR. MACGREGOR (Inverness-shire): I beg to ask the Secretary of State for War if he will explain on what grounds the executive officers of the Army Medical Staff, who went out to India during last trooping season, are shown in the official *Army List* with "India" only opposite their names; whether it has been customary hitherto to give the particular Presidency in which they are doing duty; and whether, in view of the inconvenience thus caused to their friends in not being able to ascertain their station from the official *Army List*, he will order the old arrangement to be reverted to, having regard to the fact that this was one of the points brought to his notice by the Parliamentary Bills Committee of the British Medical Association (Paragraph

VI.) through their deputation on the 15th May?

***MR. CAMPBELL-BANNERMAN:** This is, as my hon. Friend says, one of the points urged by the deputation I recently received on the subject of the alleged grievances of medical officers. It is being examined with the others, and it is not desirable to anticipate the general decision.

ROYAL WEDDING GIFTS.

MR. DALZIEL (Kirkcaldy, &c.): I beg to ask the Vice President of the Committee of Council on Education whether he is aware that in many public schools in the Metropolis pressure is being brought to bear on the scholars to induce them to subscribe to a fund now being formed in connection with the approaching Royal Wedding; whether the collection of subscriptions for such a purpose properly falls within the duties of teachers; and whether he proposes to take any action in the matter?

MR. ACLAND: The Department has received no definite information to the effect stated by the hon. Member; but, under the circumstances stated by him, it would depend upon the nature and amount of the pressure put upon the scholars whether it would be necessary to take any action. The collection of subscriptions for such a purpose does not fall within the duty of a teacher as such. In the absence of further information, I do not propose to take any action; but if it were shown that any child suffered any kind of disability for not subscribing, it would be a matter for careful consideration.

MR. DALZIEL: Has the attention of the right hon. Gentleman been directed to the case of a scholar attending a school in Kennington, who, having brought the teacher a message from her mother saying that she was too poor to subscribe, was told by the teacher that her mother "must be a very mean person." Can any steps be taken to prevent a repetition of such incidents?

MR. ACLAND: Though such incidents are to be regretted, the only duty of the Department is to consider cases where children suffer any kind of disability through the action of the teacher.

MR. A. C. MORTON (Peterborough): Will the right hon. Gentleman inform the managers of Board schools that

these enforced subscriptions must not be made?

MR. ACLAND: I will do so if I should see any reason for such action.

RE-DIRECTED LETTERS.

MR. A. C. MORTON: I beg to ask the Postmaster General whether he will agree to continue the arrangement which has hitherto been in force—namely, that letters and papers might be re-directed and sent to a fresh address without extra charge?

MR. A. MORLEY: Under an arrangement which came into force on the 1st of June last year, letters are exempt from charge for re-direction, other postal packets, however, remaining liable to the charge. It is not in contemplation to disturb this arrangement.

MR. A. C. MORTON: Is the right hon. Gentleman aware that within the last week the postmaster in this House has been enforcing the extra charge, and that I have been called upon to pay several halfpence for extra postage which has not previously been demanded?

MR. A. MORLEY: I will inquire into the matter.

THE REFRESHMENT ROOMS OF THE HOUSE.

MR. STANLEY LEIGHTON (Shropshire, Oswestry): I beg to ask the First Lord of the Treasury whether, in view of the unprecedented number of Members who consider it their duty to frequent the House day and night, and of the inadequate size of the apartments provided for their refreshment, and in view of the fact that there are within the precincts of the Houses of Parliament dining rooms set apart for the use of Members of the other House, but rarely occupied by them, he will use his influence to effect an arrangement by which a joint use of these respective dining rooms may be enjoyed by Members of both Houses?

MR. SHAW LEFEVRE: A proposal in this direction was made to the House of Lords a few years ago, but met with no response. I will endeavour to ascertain whether there is any prospect of a more favourable reply at the present time.

PROPOSED NATIONAL HOLIDAY FOR THE ROYAL WEDDING.

SIR J. LUBBOCK (London University): I beg to ask the First Lord of the Treasury whether Her Majesty's Government propose to proclaim a holiday on the day of the marriage of His Royal Highness the Duke of York? In putting this question, I may, perhaps, be allowed to say that among the London bankers the feeling is in favour of a holiday, and I am informed that the Early Closing Association has evidence of a desire among shopkeepers in many towns and districts of London in the same sense. In any case, it would be convenient to know soon the intentions of the Government; but, of course, I will postpone the question if my right hon. Friend wishes it.

MR. DALZIEL: May I ask whether the right hon. Gentleman is aware that the Glasgow Trades Council, which represents all the principal Trade Unions in the West of Scotland, has unanimously protested against the proclamation of a public holiday; and whether, in view of the substantial pecuniary loss that would be inflicted upon workmen by the proclamation of a holiday, he will consider the advisability of leaving the matter entirely to the discretion of individual localities?

MR. CREMER (Shoreditch, Haggerston): I wish to ask a question somewhat akin to that. It is whether the right hon. Gentleman, before coming to any decision, will consider the serious loss which a forced abstention from labour for even one day must entail upon millions of working men in the United Kingdom?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): As I intimated on Friday, there must necessarily be some delay before I shall be in a position to give a full reply to the question. When the subject was first broached it appeared to me at once that the present state of trade in the country and the danger of imposing, except with almost unanimous concurrence, any limitation upon the opportunities of employment formed an element in the case which must be taken into consideration.

THE IRISH HARP *VERSUS* THE THREE CROWNS.

MR. THEOBALD: I beg to ask the First Lord of the Treasury whether, considering that this House is desirous of maintaining the supremacy of the Crown in Ireland, he will consider the advisability of re-substituting the three crowns on the Irish quarter of the Royal Standard in place of the harp, the harp having taken the place of the three crowns in the reign of Henry VIII.?

MR. W. E. GLADSTONE: I believe it is the case that the three crowns were the proper emblems of Ireland down to the period of Henry VIII. That Monarch then adopted the harp in consequence of an idea, which was by no means irrational, that confusion might arise between the three crowns of Ireland and the symbol of the Papal Authority—the tiara. The harp has now been the recognised symbol of Ireland for nearly 400 years, and it ought not to be changed without a good reason. The hon. Member suggests that it ought to be changed in order to manifest our intention to maintain the supremacy of the Crown; but I fear that if we were to set about maintaining the supremacy of the Crown by removing this emblem, which was selected by Henry VIII., it might be thought that our intentions were of a different nature.

METROPOLITAN FEVER AND SMALL-POX HOSPITALS.

MR. GOSCHEN (St. George's, Hanover Square): I beg to ask the President of the Local Government Board a question of which I have given him private notice, and that is whether the Local Government Board will undertake to assist the Metropolitan Asylums Board in acquiring further sites for fever and small-pox hospitals; and whether he is aware that the Asylums Board have informed the Sanitary Inspectors that they are unable to accommodate patients whom they have been asked to receive?

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. H. H. FOWLER, Wolverhampton, E.): As this is a very important question, and one on which there is a considerable amount of public interest, I may, perhaps, be allowed to give a rather long answer. In connection with this question, it is desirable that

I should state the facts as regards the action of the Local Government Board during the last three years. We have received in all four applications. The first application had reference to the site at Tottenham. The proposal was submitted in April, 1891, and was most strongly opposed by the Local Authorities and the owners and ratepayers interested in the matter. The Local Government Board, after full consideration of all the circumstances, came to the conclusion that the Managers should endeavour to obtain some other site for the erection of a hospital for that part of the Metropolis. This decision was arrived at in June, 1891. No further proposal was made to the Local Government Board for nine months. On March 18, 1892, there was a proposal of a Committee of the Managers with regard to a site at Stoke Newington. The Board replied on March 30, pointing out that the New River ran through a portion of the site in an open cut, that a park which had recently been provided for the use of the inhabitants was only separated from the site by a road, and that the Board felt obliged to direct attention to these facts as likely to afford grounds of objection beyond those which are usually offered to the erection of a fever hospital. The recommendations of the Committee which had been dealing with this matter were, however, negatived by the Managers, and the proposal was not, therefore, proceeded with. The Board received no further proposal until June, when the Managers revived the Tottenham site; and Mr. Ritchie, having been assured that after careful inquiries the Managers were satisfied that no suitable site for a hospital could be obtained in the North-Eastern part of the Metropolis, agreed to re-open the question, and after a local inquiry assented to the use of the land in question temporarily for hospital purposes. As the time in respect of which the consent has been given is expiring, I have had this site under my consideration, and after another local inquiry I have informed the Managers of my willingness to assent to the continued occupation of this site on certain conditions as to the reception of patients from the Tottenham district into the hospital. Early in the present year there was a proposal as to a hospital at Tooting Bec. This proposal

aroused strong opposition. The inquiry was held in March; I subsequently inspected the site in company with Sir W. Foster and Sir H. Owen, and after very careful consideration we decided that assent to the acquisition of this site must be withheld. The only other site which has been proposed to the Board is one in the Lewisham district. The application was received last month. It has since been the subject of an inquiry by two of the Board's Inspectors, and I am now awaiting the reply of the Managers as to certain alternative sites which have been suggested by those who are opposing the present proposal. I am fully aware of the difficulties which always attend the acquisition of a site for a fever hospital. At the same time, Parliament has made the acquisition of sites by the Managers subject to the consent of the Local Government Board; and the Board, however desirous they may be of assisting the Managers, are bound to exercise the power thus entrusted to them with a due regard to their responsibility to Parliament and the public. I quite realise the difficulty in which the Managers are placed as regards applications for the admission of fever patients—a difficulty which is considerably increased by the fact that buildings which would otherwise be available are now required for small-pox patients—and I am aware that the Managers are discouraging applications except in necessitous cases. I shall do everything in my power in the way of giving prompt attention to any proposals which the Managers may submit to me for providing further accommodation.

MR. GOSCHEN: I thank the right hon. Gentleman for his very full answer. May I further ask him whether the area within which it is now lawful for the Metropolitan Asylums Board to acquire sites might not be somewhat increased, so as to give further facilities for the acquisition of sites?

MR. H. H. FOWLER: I am not aware of any limit imposed by law, and I have considered the matter in the Tottenham case, and consented there to the erection of a permanent hospital outside the Metropolitan area. If I find that any further legislation is necessary I shall be happy to attend to it, as it is, in my view, quite impossible to confine the provision

for these patients within the present Metropolitan area.

MR. J. HOWARD (Tottenham) : May I ask whether the right hon. Gentleman will give directions, in reference to the Tottenham site, that it shall not be used for small-pox patients ?

MR. H. H. FOWLER : I have already done so.

MR. SEXTON'S REPORTED RESIGNATION.

MR. DARLING : I beg to ask the Chancellor of the Exchequer whether the Stewardship of the Chiltern Hundreds has been applied for by the hon. Member for North Kerry ?

SIR W. HARCOURT : I have no answer to give to that question.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 9th June.*]

[EIGHTEENTH NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 3 (Exceptions from powers of Irish Legislature).

*SIR J. LUBBOCK (London University) : The Amendment which stands on the Paper in my name deals with banks ; but I have another Amendment lower down to insert in line 14, after "or," the words "bills of exchange." It might be a convenience to the Committee if I were to combine the two. I do not know whether that will meet with the views of Her Majesty's Government ; but if the right hon. Gentleman has no objection I will move the two. The Amendment I will submit will be in line 13, after "legal tender," to insert "banks, bills of exchange." The arguments in support of the two subjects will be somewhat different, and, therefore, I will deal with the two things separately. As to banks, the Amendment which I move, though akin to that on the "currency," which the Government were good enough to say they would consider, stands upon different grounds, and I hope it may be accepted by my right hon. Friend. Various

countries have endeavoured to raise loans by granting privileges to a bank. This policy has been always injurious, and has often led to very disastrous results. I hope that the Irish Government will not be encouraged to take any such course. If a Government is economically managed, it ought to have no difficulty in raising funds by loan, prudently and within reason—to go beyond this would certainly lead to waste and extravagance. Ireland has suffered much in the past from bad banking. Fullarton, in his work on the currency, goes so far as to assert that—

"No country, perhaps, in the world, scarcely even excepting the United States of America, has suffered so much as Ireland from bad banking ; and now that we have at length, after various unprofitable attempts, succeeded in establishing there a banking system which holds out a fair prospect of usefulness, it does not seem to be exactly the time for disturbing it."

That prospect has been fully justified. For many years now Ireland has felt confidence in her banks, and there have been but few failures. I may say, then, with even more force than Fullarton could, that "this does not seem to be exactly the time for disturbing" the Irish banking system. Irish Members, we are told, are anxious to foster Irish commerce and manufactures. Now, the Irish banks are among the most prosperous of Irish institutions. What is the effect of this Bill on them ? The hon. Member for Tyrone justly claimed, last week, to represent the views of Irish banks, and I know that he supports this Amendment. But in this case I can also quote the views of the shareholders themselves. Twelve months ago—I give the figures on the high authority of *The Economist*, 20th May, 1893—12 months ago their £7,065,000 of paid-up capital was worth, at the then market price, £18,466,000 ; now it is worth no more than £16,935,000 ; "and for this loss of £1,500,000 the bank shareholders know that they have Mr. Gladstone and his scheme of Home Rule to thank." Moreover, the change is the more remarkable, because Scotch bank shares during the same period have risen over £500,000, and English bank shares have remained stationary. It must be evident, then—no one can doubt for a moment—that Irishmen who are interested in this branch of Irish industry will, almost to a man, be in favour of this Amendment, and will believe that its

adoption would raise, and its rejection will lower, the value of their property. Not only does this apply to the commercial banks of Ireland—these are not the only banks which are disturbed by the prospect before them. The Savings Banks also share the same apprehensions. For instance, the Trustees and Managers of the Dublin Savings Bank, at their meeting on the 14th March, unanimously resolved—

“That the Trustees and Managers of the Dublin Savings Bank, having accepted office on condition that the money deposited in the Bank should be transmitted to the Commissioners for the reduction of the National Debt, would not be prepared to continue responsible for the working of the bank under the conditions of Clause 21 of the Government of Ireland Bill.”

I think that is very strong evidence. I have, I think, conclusively shown ground for believing that if you polled the shareholders of Irish banks you would hardly find a single one of them who would be opposed to my Amendment, and who would not, on the contrary, be ready to support it. Looking at the state of the Benches opposite, one would be inclined to think that the Irish Members do not feel a very deep interest in the question; but I presume those Members are, at the present moment, engaged in the consideration of a subject of more interest to them. I would appeal to the test of experience and the authority of precedent. In the British North America Act of 1867, banking and the incorporation of banks is one of the subjects expressly reserved to the Dominion Parliament. But in Ireland the case is even stronger than it was in Canada. In the United States, in Switzerland—indeed, in every case of Federal Union—the Banking Law is reserved to the Central Legislature. I do not know whether we shall be told, as we were on Friday, that this is an insulting Amendment.

AN HON. MEMBER: Hear, hear!

SIR J. LUBBOCK: I am sorry that the solitary Representative of the Irish Nationalist Party says “Hear, hear!” implying that that is the case. But, at any rate, the Committee will agree with me that intention is of the essence of an insult, and I can assure Irish Home Rule Members that I have no such intention. The Government propose to exclude coinage and legal tender. Is that an

insult? If not, why should it be an insult to exclude banking and bills of exchange? In every other case of Federalism they are excluded. But neither the Swiss Cantons, nor the States of the Union, nor the Provinces in the Dominion of Canada regard it as an insult. Then why should Ireland? How can it be an insult? Under the Bill Ireland will be represented here, and the only question is whether the Banking Law of Ireland should be settled by Irishmen sitting here, or Irishmen sitting in Dublin? The law relating to banking is not only a very important, but also a very delicate and difficult subject. The Irish Banking Law was settled by Sir R. Peel after the most careful and anxious consideration and consultation with the highest authorities. It has stood the test of experience and worked well, and I anxiously appeal to the Government to accept this Amendment, and not unnecessarily to disturb an arrangement which has proved satisfactory, and which is one of the very few things in Ireland which I have never heard attacked from the Benches opposite during the quarter of a century that I have had the honour of a seat in this House. Under these circumstances, I do submit that, so far as the first part of my Amendment is concerned, I have made out a very strong case. I believe that if I can only induce hon. Members above the Gangway to look at the matter, not as a question of Party or of politics, but simply as a question of what would be best in the future for the commercial relations of Ireland, Her Majesty's Government will agree to the insertion of the word “banks” in the clause. The second part of my Amendment deals with bills of exchange. The subject is one of great importance to the commercial community. The rights and liabilities of different parties to these instruments have given rise to an infinity of legal questions and multitudes of decisions—enough, indeed, to fill a whole library. Now, Sir, in 1882, on behalf of the Associated Chambers of Commerce and the Institute of Bankers, I introduced a Bill codifying the whole law regulating bills of exchange, promissory notes, and cheques. It was referred to a strong Committee upstairs—on which the present Lord Chancellor took a most active and useful part—and

so carefully considered that, when it came down again to the House, although it contained over 100 clauses, it passed without the alteration of a word. The Bill, Sir, has given general satisfaction in the Three Kingdoms; from that day to this there has been no proposal for any change. In the preface to the last edition of *Byles on Bills*, the great authority on the subject, the authors say that—

“The success of the Code in diminishing litigation must be very gratifying to its framers, few important cases having arisen since.”

That, Sir, not only means an immense saving of expense, but also of trouble and of anxiety, for it is most necessary to us all that we should know what the law is. It very often does not so much matter what the law is, as that we are able to know what it is. Another important advantage of the Act was that it has given us one uniform law throughout England, Scotland, and Ireland. Now, I say again, I propose this Amendment in no spirit of distrust of Irish Members; but I submit to them that in the interests of trade and commerce in Ireland, which I am sure they are anxious to foster as well as we are, that in the general interests of the United Kingdom, if any changes are made, it is desirable that they should be proposed, and, if approved, adopted here in the Imperial Parliament, so that we may retain—what will be admitted to be in this respect a great advantage—one uniform law throughout the United Kingdom. May I, in conclusion, just remind the right hon. Gentleman the Prime Minister and the Committee of the argument he used in reply to my right hon. Friend the Member for Bodmin on Tuesday when he very justly said—

“It was not the main consideration which had led the Government to the conclusion at which they had arrived, to which they were bound to adhere. That main consideration was this: that the United Kingdom from geographical circumstances, as well as from circumstances which were social and moral, constituted one great and vast trade circle. If they departed from the principle of uniformity in trade matters, they might, perhaps, satisfy to a greater extent the abstract idea of the right of local legislation; but by satisfying that abstract idea they might inflict an immense practical injury. It was necessary in the interests of Ireland herself that this uniformity of commercial law should prevail throughout these Islands. . . . But he did not care to debate the question whether they would misuse the power or not, for he based his position on this: that it was vital to

the commerce of the Three Kingdoms that there should be uniformity of commercial law from one extremity of the land to the other.”

I could not, Sir, commend my Amendment to the House in clearer or abler terms. I submit to my right hon. Friend and to the candid judgment of the Committee that the reasons I have just quoted from the Prime Minister's speech apply entirely to the present Amendment. To my mind, it is absolutely necessary that you should introduce these words in order to carry out the principle which the right hon. Gentleman the Prime Minister declared to be vital to the interests of trade and commerce in the Three Kingdoms. I beg, therefore, on these grounds, very respectfully to commend my Amendment to the Committee. This should not be a contentious matter. It is not, as I have already pointed out, a matter of Party or politics; and I earnestly hope that the Committee will regard the question from the point of view of what is best for the trade and commerce of Ireland as well as of England.

Amendment proposed,

In page 2, line 13, after the words “legal tender,” to insert the words “banks, bills of exchange.”—(*Sir John Lubbock*.)

Question proposed, “That those words be there inserted.”

MR. W. E. GLADSTONE: The right hon. Gentleman (Sir J. Lubbock) will allow me to remind him that the observations I made the other day with regard to the Three Kingdoms constituting one great and vast trade circle had reference to a proposition to give to Ireland the power of regulating external trade, or trade which might be called foreign or international trade. I do not wish to press the argument further; but the right hon. Gentleman will see that my observations had no reference whatever to the details of internal trade within Ireland. In regard to trade, we know that bad legislation in an island may produce evil results to a neighbouring island; nay, we have reason to know that bad legislation in another country produced evil results on the commerce of this country not very long ago. But this state of things, within limits, is inseparable not only from commercial legislation, but from a great deal of other legislation—namely, that if the power of legislating is abused or badly handled, it may not only injure

the country in which it is passed, but other countries also. My right hon. Friend says he judges from the absence of the Representatives of Ireland that they feel no interest in this question; but, for my own part, I have observed many times, when the Irish Benches have been sparsely occupied, that that fact is not to be regarded as showing that the Irish Members take no interest in the question under discussion, though they may have not taken much interest in the Debate. It is quite possible the Irish Members have allowed themselves the rare luxury of some remission from their labours. I do not oppose this Amendment on the ground that it is insulting to Ireland. I may have a strong feeling about the method which has been adopted of asking Parliament to withdraw one by one almost every prominent and important power for regulating its business that the Irish Legislature ought to possess. This Amendment, after all, is only one of a long series of proposals to withhold powers from the Irish Legislature. I certainly think it unjust to disparage that Legislature; but I admit that this Amendment does so less than other proposals that have been made interfering largely with the details of Irish life. There was one thing I ought to say concerning bills of exchange, which is that foreign bills, including those drawn on England, could not be touched by the Irish Legislature.

Mr. COURTNEY: Bills drawn upon England?

Mr. W. E. GLADSTONE: Yes. I apprehend those could not be touched. The Government cannot assent to these constant proposals to withdraw responsibility from Ireland. Without responsibility you cannot expect either an Irish Legislature or any other Legislature to train itself in the difficult work of legislation. No doubt mischief may result from legislation; but, in the end, responsibility and liberty will lead to good. I regard the Amendment as impolitic and inconvenient, and as embodying a principle of a most pernicious character. Subject to a door left open for future consideration, in regard to taking steps to prevent over-issues, the Committee have, by their decision on Friday, given to the Irish Legislature the whole matter of currency; and, taking away legal tender and

currency, banking is nothing but a branch of purely internal trade. If you say that banking should be connected with issue, that leads me to consider how far we are able to set ourselves up as an example of great success in this business. The question whether the issue of this country ought not to be made progressively national was opened by the Act of 1844, and although development was contemplated by the measure no progress has been made in the matter. Thirty years ago, when Chancellor of the Exchequer, I introduced a Bill finally to dispose of the question of private issue in England; but, owing to dissension with the bankers upon a collateral point, I failed to carry the Bill into law, and since that time not a single step has been taken for the purpose of applying in a more consistent manner the principle of the Act of 1844. Therefore, if we are to interfere with internal trade in Ireland, I think it ought to be in regard to internal trade as to which we have shown a remarkable capacity for vigorous and efficient legislation, and not one than which there is no subject of legislation that the House of Commons has dealt with with less efficiency. The late Chancellor of the Exchequer made loud complaints upon the subject of the deficiency of reserves in the banks of this country; but for five or six years he was unable to do anything to improve the state of affairs. I do not find fault with him. I have endeavoured to deal with the subject myself, and have failed; but I say this makes a very infirm sort of case for us to interfere with Ireland as the right hon. Baronet proposes. In these circumstances, to adopt the Amendment would be an interference, not with anything that carries Imperial character, but simply with the internal business of Ireland.

Mr. GOSCHEN (St. George's, Hanover Square): My right hon. Friend has thrown out a fly with regard to the banking system in this country; but he will not think I am treating him with any want of courtesy if I do not rise in response to so tempting a bait. My right hon. Friend suggests that there are many *laches* in this country, and he says the new Irish Parliament will be more competent to deal with Irish banking than this House. I should like the shareholders in Irish banks to give their opinion on that subject. That would be

Irish opinion, and intelligent Irish opinion. It is questionable, I believe, whether the present Bill will be passed into law. If it should not pass, I would suggest to my hon. Friend that in any interval that occurs before another Bill is introduced he should cause a communication to be made to the representatives of Irish banks and their shareholders and customers as to whether they would prefer to leave the matter in the hands of gentlemen who manage *The Freeman's Journal* Company, or in those hands which are so incompetent to deal with the question as my right hon. Friend suggests they have been during the last half-century. If we were to take Irish opinion, not from a political but from a commercial point of view, in this matter, I am inclined to think that it would not support the doctrine laid down by my right hon. Friend the Prime Minister. My right hon. Friend instanced a case of legislation in one country damaging another country, but said that was one of the matters that must be endured. He said the American Legislature had passed Acts which had been extremely damaging to this country, and we had been obliged to endure it. The assumption is, therefore, that if the Irish Parliament passed Acts which were injurious to this country we should also have to endure it. But the answer is that one case is remedial and the other is not. The more we can obtain uniformity in commercial law the better for all interests concerned, because the more identity there is in commercial matters the better. I do not think there is anything in the argument that because other nations pass laws injurious to us we must contemplate with equanimity the prospect of the Irish Parliament doing the same thing. As far as there are common commercial interests, it is desirable to have common legislation in the greatest possible degree. If we are to retain the Irish Members in this House, is it not better that commercial law should remain on one footing than that there should be two sets of laws with regard to bills of exchange and banking? As to bills of exchange, the Irish Members ought to see no possible reason why the law should not be common to the two countries. The right hon. Member for London University (Sir J. Lubbock) quoted the case of the Dominion Parliament and the Provincial

Parliaments of Canada, and also the case of the United States; but my right hon. Friend the Prime Minister does not pay much heed to colonial and foreign analogies when they do not fit in with the case he wishes to make. I would suggest a compromise to my right hon. Friend the Member for London University. Supposing we were to admit, injurious as it may possibly be, that internal banking should remain with the Irish Parliament, would the Government agree that the laws relating to bills of exchange should be left to be dealt with by the Imperial Parliament? I understand from the Prime Minister that bills drawn in Ireland on England would be Imperial—

MR. W. E. GLADSTONE: Yes.

MR. GOSCHEN: And that those drawn in England on Ireland would be local. We are to treat Ireland as a foreign country in that respect. Bills of exchange between England and Ireland are to be put on the same footing as bills of exchange between England and France. This question illustrates the difficulty which meets us in every Debate respecting the separating of English and Irish affairs. It appears, however, that so separate are the two countries to be that we may have to treat Irish Bills as foreign Bills. Possibly we shall have to come to some arrangement with the Irish Parliament, after negotiating as with a Foreign Power, for obtaining a common law as to bills of exchange. I do ask my right hon. Friend the Prime Minister is it worth while to raise this difficulty at all, looking at the question, not as a political matter, but as a matter of common sense? A man might have bills in his bill-box, a portion of them being subject to Imperial law, and a portion subject to Irish law, so that he would be exactly in the same position as if he were dealing with a foreigner. I do not say that any great damage would arise; but every banker would tell you that he would much prefer that foreign bills should be subject to the same law as English bills, and that varieties of contract are a drawback to quick and safe business. I would recommend my right hon. Friend the Member for London University to withdraw the portion of his Amendment with reference to banks if the Government will accept the other portion.

THE CHANCELLOR OF THE EXCHEQUER (Sir W. HARCOURT, Derby): I am rather surprised at the right hon. Gentleman desiring to appeal to the shareholders on the subject of policy. The right hon. Gentleman, two years ago, raised a note of alarm which created almost a panic in this country, when he said that the reserves of all the banks in England were so small that there was an infinite danger in reference to the security of the commerce of this country. Indeed, the right hon. Gentleman used the most alarming language. Well, the question was referred to the shareholders and managers of the English banks, and they pronounced unanimously against the opinion and the policy of the right hon. Gentleman.

MR. GOSCHEN: No; they accepted my terms.

SIR W. HARCOURT: Let us see what they accepted. The right hon. Gentleman said, in effect—"If the country is to be safe you ought to keep greater reserves." Well, in other countries there are laws by which banks are compelled to keep 25 per cent. of reserves. Did the right hon. Gentleman propose to legislate in this direction to protect the country against the dangers of which he so loudly complained? No; he did not venture to face the banking interest, because it condemned him altogether. If he had carried out the policy he advocated he would have reduced the profits of the shareholder. Why do the banks keep such low reserves? In order that, by using their money, they may make larger profits and larger dividends. Under these circumstances, the shareholders condemned the alarming statement of the right hon. Gentleman, and the panic he endeavoured to create. To say, then, that the shareholders are the final judges of what is sound policy is a most astounding statement as coming from the right hon. Gentleman. The interests of the shareholders are not the same as the interests of the community. The right hon. Gentleman says they carried out part of his policy. Part of his policy was to request them to publish their accounts. He did not even make that compulsory. They have published their accounts, but have increased their reserves? [*Cries of "Yes!"*] Who says "Yes?"

MR. VICARY GIBBS (Herts, St. Albans): I say so.

SIR W. HARCOURT: Well, I looked the other day to see what the reserves were; and I found that, as nearly as possible, they were exactly the same as when the right hon. Gentleman sounded his note of alarm. They varied from 11 per cent. to 15 or 16 per cent., thus differing hardly at all from the former condition of things. It astonishes me, then, that the right hon. Gentleman should take the shareholders and managers as the persons who are to be the ultimate judges. The right hon. Gentleman the Member for London University (Sir J. Lubbock) said that banking shares in England have not diminished in value. My experience has been the reverse. I have looked at the figures, and I find he is entirely mistaken. The shares in England, as well as those in Ireland, are not as high as they were a few months ago, or a few years ago. The right hon. Gentleman opposite has asked the Mover of the Amendment not to proceed with it as far as the banks are concerned, subject to an appeal to the shareholders.

MR. GOSCHEN: What I recommend to my right hon. Friend is that if you accept one portion of the Amendment he should withdraw the other.

SIR W. HARCOURT: I do not quite understand this principle of swap in reference to bills of exchange. All we have said is that they are within the power of the Irish Legislature when they are drawn on Ireland. The ex-Chancellor of the Exchequer says it will be an extraordinary thing for a banker to have in his portfolio bills of different kinds. I should have thought the right hon. Gentleman's experience would have taught him that there was a great difference between inland and foreign bills. Bills drawn on Ireland should be left to the Irish Legislature, and bills drawn on England should be subject to Imperial legislation. When my right hon. Friend (Mr. Gladstone) proposed to deal with foreign bills of exchange he was told by all the authorities that he was going to ruin English commerce, and that Amsterdam would again become the Money Market of the world. The proposal of the Government is a perfectly sound one—namely, that the bills which have no

operation outside Ireland should be under the control of the Irish Parliament.

MR. GOSCHEN and Mr. CLANCY rose together, and the CHAIRMAN called upon Mr. CLANCY.

MR. CLANCY (Dublin Co., N.) said, he really thought that when the right hon. Gentleman (Mr. Goschen) rose twice in the same Debate, and assumed that in consequence of his position he would be called on, although an Irish Member had been called on, he assumed too much.

MR. GOSCHEN : I gave way.

MR. CLANCY said, he thought it was time for the right hon. Gentleman to give way. He himself should not have risen but for the statement made by the right hon. Baronet (Sir J. Lubbock) that the absence of the Irish Members might be accounted for by their want of interest in the question at issue. It was not part of his (Mr. Clancy's) mission to defend the Members who were absent ; but it was notorious that they were absent not because they felt any want of interest in the Debate, but for another purpose, which was known to every reader of the newspapers of the day, including, he was sure, the ingenuous Baronet opposite. The right hon. Gentleman led the House to believe the Irish Members were absent from this Debate because they felt no interest in the subject, whereas the real reason was notorious, and must have been known to the right hon. Gentleman. He was glad the Government had not given way. If they had given way upon the reasons given by the Mover of the Amendment and by the ex-Chancellor of the Exchequer, he thought it would have considerably altered the attitude of the Irish Members towards the Bill. Anything like the weakness of the case they had made for taking away a purely Irish concern from the control of the Irish Parliament could not be imagined. The ex-Chancellor of the Exchequer descended, not for the first time, to some very paltry and puerile arguments. It was puerile and contemptible to refer to the affairs of *The Freeman's Journal* as an argument, and to descend to this paltry trick of the platform to justify the taking away from the control of the Irish Parliament a matter of entirely Irish concern. Such taunts were beneath one occupying the position of the right

hon. Gentleman, and were unworthy the subject of discussion. The right hon. Gentleman made some allusion to the question of consulting shareholders. He wondered did the right hon. Gentleman consult the shareholders—did he consult the Egyptians when he undertook the management of their banking affairs ? With reference to the argument that under this Bill there would be two classes of bills of exchange—one subject to Irish law and the other to Imperial law—he would point out that there was not a firm in London which had foreign transactions which was not afflicted with the same thing, and yet found no difficulty whatever in managing its affairs. There would be far less difficulty in dealing with Ireland. The Member for London University pointed out that the present law regarding bills of exchange was a very good one, and he went on to assume that because it was a good law the Irish Parliament would immediately change it. It did not follow that the Irish Parliament would alter it by one jot or tittle ; but what they contended for was this right if they wished to make changes according as they seemed to be desirable, and that was a matter of purely Irish concern which they could not surrender on any consideration. He would point out one consequence of taking away from the Irish Legislature any power of dealing with banks. Some two or three years ago a panic was created in Dublin by the non-publication of accounts by the Bank of Ireland ; and if this Amendment were carried, the right hon. Gentleman would have secured in advance that the Irish Legislature should have no power whatever to compel such institutions to publish their accounts. For his part, he should be ashamed to sit in an Irish Legislature which would not have the power to do a thing like that. The argument of the right hon. Baronet amounted to this : that at present the laws regarding banking and bills of exchange in Ireland were good ; that the Irish Parliament would change them, and that, therefore, they ought to be deprived of power to change them. He put it to any man who was a supporter of the principle of Home Rule, could the Irish Members submit or listen to such an argument for a moment without feeling they were insulted ? The right hon.

Baronet had disclaimed any intention to insult, but he acted under leaders who habitually resorted to the use of insulting language, and he had never yet heard the right hon. Gentleman in his mild manner utter even the mildest protests against these insults. On the contrary; he put down Amendment after Amendment on the Notice Paper in regard to this Bill proposing to take away one Irish right and then another, and he supposed he would support another hon. Gentleman presently who would propose to take away stamps, and still another who would propose to prevent the Irish Parliament from dealing with pens and envelopes. He must take the right hon. Gentleman's repudiation of any intention of insulting the Irish Members with a grain of salt. What the Member for London University and what the right hon. Gentleman on the Front Opposition Bench meant was that the Irish people were not fit to manage their own affairs. ["Hear, hear!"] That statement was cheered, and he could not understand any Unionist or Tory supporting an Amendment designed to carry out that idea, but for goodness sake let them be honest, and not pretend they were not insulting the Irish people! Although it was perfectly natural for Unionists to take this stand and propose these Amendments, he thought a very strong course indeed ought to be taken by every supporter of Home Rule which should be not to make terms with those who proposed them, not to enter into any compromise on the subject, and not to discuss seriously Amendments such as the present one, which were insulting in their very nature, and which went to the very root and traversed the principle of this Bill. The way to treat such Amendments was not to treat them seriously, not to discuss them, but to vote them down steadily one after another.

SIR H. JAMES (Bury, Lancashire) said, he had been struck by what had fallen from the Chancellor of the Exchequer in the statement he had made respecting bills of exchange. A bill that was drawn in Ireland, say in Belfast or Cork, would be in every sense what they would call an inland bill of Ireland, but if a bill was drawn, say in London upon Cork, he would ask the Chancellor of the Exchequer what bill did he call that?

SIR W. HARCOURT: The same thing as a bill drawn in Cork upon London.

Mr. Clancy

SIR H. JAMES did not think that answer was quite worthy of the Chancellor of the Exchequer. If a bill was drawn in London on Cork, was that an inland bill or a foreign bill? The Chancellor of the Exchequer used the word "Imperial." He could not conceive such a term. They could not call it an Imperial bill. Bills drawn in Ireland upon Ireland ought to be dealt with by the Irish Legislature; but suppose a bill was drawn by someone in London on Cork, where the acceptor was in Cork, would that be dealt with by the Irish Legislature?

SIR W. HARCOURT: We understand this: that the exception of trade is operative upon both classes of bills, and, being connected with trade as we excepted trade in the Bill, that will prevent it being acted upon by the Irish Legislature.

SIR H. JAMES said, the right hon. Gentleman stated that bills of exchange referred to trade, and so they did. But suppose they gave a bill of exchange for the price of a piano, or to repay an old debt they owed under a covenant; what had that to do with trade? Were such bills of exchange included in the word "trade"? This was where he was afraid so much difficulty would arise. A night or two ago they were told that the word "navigation" would cover merchant shipping, and now they were told that "trade" would cover bills of exchange. But all bills of exchange were not trade bills; and if it was to be said that the Irish Legislature was to be prohibited from dealing with bills of exchange belonging to trade, let them in the word "trade" include bills of exchange. That could not offend the hon. Member opposite. The insult was complete to him already if under the word "trade" they were to include bills of exchange. The hon. Member was grossly insulted by the Bill because the Government were not allowing the Irish Parliament to deal with bills of exchange, because they included trade, and under that term they would include purely Irish bills, because there was trade in Ireland. He was putting to the Chancellor of the Exchequer that he had to consider what would be the effect on English bills drawn upon Ireland, or Irish bills drawn upon England. Take another matter.

There were foreign bills that would not originate in England drawn, say, in St. Petersburg. Was there a different law as to foreign bills of exchange if drawn upon Cork or London? How would they stand with reference to foreign nations if such was the case, and the Irish Legislature had said there should be 10 days of grace instead of three? He should like to know if a bill was drawn in Belfast on Cork, payable it might be in London, was that an Irish or an English bill, or an Imperial bill? They were told that the countries were to remain perfectly united; but here within these limits they were to have different rules of trade affecting contracts, to which Englishmen on the one part and Irishmen on the other should be parties, but in regard to which the Imperial Parliament would have no power whatever, such power being left entirely to the Irish Legislature.

*MR. BROWN (Shropshire, Wellington) observed that not many years ago the law of bills of exchange was carefully consolidated, and it was very desirable that no change should be made in it. He contended that, unless the law relating to bills of exchange was made clear and simple, they would be putting a bar in the way of Irish trade, and the law on the subject ought to be such that it should be as well-known abroad as it was here. They had had no answer yet to the questions put by the right hon. Member for Bury. Bills might be drawn in Ireland and accepted by Ireland; they would be deemed to be entirely inland bills. But what would be the position of bills drawn up abroad and accepted in Ireland, whether they related to trade or not? If there were to be two laws on the subject, there would be the greatest confusion.

MR. GOSCHEN: Let me point out to the Committee how this Debate has been conducted. My right hon. Friend the Member for the University of London, in order to shorten the discussion, put his two Amendments together. Then a reply was made by the First Lord of the Treasury, who went into a general history of banking. I resisted the temptation to follow my right hon. Friend; I said to myself "Lead me not into temptation." The Chancellor of the Exchequer then attacks me again in connection with the banking of this country—a method

which is not calculated to promote the rapidity of debate—and held up a number of controversial subjects and the degree as to which bankers in England had, or had not, accepted my proposals. During the whole of these discussions there has seldom been a more irrelevant speech. Supposing I had attempted to reply—and the right hon. Gentleman knows I have a right to reply—I might show him in some detail whether or not and to what extent I benefited the country by the proposals I made, or the reverse. But I resist the temptation. I will not prolong the discussion on this important Amendment by any reply to the somewhat personal character which the Chancellor of the Exchequer gave to it. But let the Committee remember the time given to that part of the case, and then the point as to which the right hon. Gentleman is silent. He does not reply at all to the points which have been raised. There is always the same display. General topics are discussed, insults to Ireland are spoken of, or any personal question may be raised; but as to going into the exact substance raised by the Amendment, that is entirely avoided by the right hon. Gentleman. The right hon. Gentleman said I thought it a monstrosity that we should have two classes of bills of exchange. On the contrary; I said that merchants and bankers had these two classes of bills; but I also said that they desired as much similarity of law between the two as possible. What I want to point out is this: With regard to foreign bills, foreign countries and the mercantile classes of this country have had conferences in order that they may bring about an assimilation of the law; whereas Ireland, for this purpose, is to be made a foreign country, which may have legislation contrary to ours. I do not know whether the House sufficiently remembers that the Prime Minister said he would consent to nothing in the Bill which, if applied to Ireland, might not be also applied to Scotland, England, and Wales.

MR. W. E. GLADSTONE: I said Scotland and Wales. I say that if Scotland demanded it you would not dare to resist it.

MR. GOSCHEN: Then we should be in the same position as regards Scotland as Her Majesty's Government is in at this present moment as regards

Ireland. They dare not resist—even to make bills of exchange in Imperial matters—because they are denounced by the hon. Member for Dublin County. But my point is this: We must give what Scotland, Ireland, and Wales asks, therefore we shall have four different parts of the United Kingdom with four different powers of dealing with bills of exchange—each to be treated as a foreign bill; therefore, instead of one having bills of the United Kingdom, there are to be bills from the four Principalities forming the United Kingdom. I do not think that is promoting the interests of that vast united trade circle to which my right hon. Friend alluded the other day. His whole argument is in favour of giving the different parts of the United Kingdom the power of making different laws as to bills of exchange circulating in the United Kingdom, and putting them on the footing of foreign countries.

*MR. MARTIN (Worcester, Droitwich) wished to ask the Chancellor of the Exchequer a question which really went to the root of the whole matter relating to bills of exchange. Would an ordinary bill of exchange drawn in London on Cork or Belfast be drawn with an impressed stamp as a London bill or as a foreign bill, which would bear an adhesive foreign bill stamp? Was Ireland to be treated as part of the United Kingdom or as a foreign State or colony? This point was an important one, and had a bearing on Irish revenue. If Ireland was to be treated as part of the United Kingdom then stamps would fall within the Imperial revenue; but if she was to be treated as an independent colony and dependency of Great Britain, she would have her own Stamp Acts.

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar): In answer to the hon. Gentleman, I have to say that there is no doubt at all that Ireland is not to be a foreign country. Ireland is to remain part of the United Kingdom. ["Oh, oh!" and cries of "Order!"] There is no doubt about it. The Sovereign of Ireland will be the Queen of England. I cannot conceive the state of mind of hon. Gentlemen who, simply because certain powers are to be given to the Legislature in Ireland, will so exaggerate and misunderstand the state of things as to jeer at a statement which is

literally and entirely true—namely, that Ireland will remain part of the United Kingdom, and undoubtedly it will remain so also as regards bills of exchange that are drawn from Ireland upon London and accepted in London. The case of bills of exchange drawn upon London in Ireland is different in some respects. That is to say, if there is no prohibition on the Irish Legislature to legislate on Irish bills of exchange, such bills would be subject to such Irish laws. The view I take is this: If you exempt the Irish Legislature from dealing with this matter, you then, as a matter of fact, prevent the Irish Legislature from dealing with bills which are not foreign bills, which are not Irish bills in the ordinary sense, but which are instruments of trade between one part of the United Kingdom and another. We are told that "navigation" does not include "merchant shipping." I cannot understand how anyone can have a doubt about that. It has always been the case in great Acts that the words are taken as representative words. If you are debarred from dealing with navigation you must take it that that includes merchant shipping. So also with regard to matters of trade. You must not consider what is the narrowest possible interpretation you can put on the word "trade," but what is the meaning of the word in a great Constitutional Act which takes away altogether from the Irish Legislature the power of dealing with external trade.

MR. COURTNEY (Cornwall, Bodmin) said, he always hailed the advent of the Solicitor General, because he felt sure they would receive from the hon. Gentleman some enlightenment on nice questions under discussion. But he was afraid he had not on the present occasion such advantage as he expected, and which he usually derived from the Solicitor General on this very delicate matter. What was the question before the Committee? The right hon. Baronet the Member for London University proposed to exempt from the powers of the Irish Legislature banks and bills of exchange. The right hon. Gentleman the Member for St. George's, Hanover Square, suggested that "banks" should be dropped, inasmuch as the question of banking was reserved for the Irish Legislature, and that the discussion should be confined to the matter of bills

of exchange, a view with which he thoroughly agreed. On Clause 3 the Committee were considering what subjects should be remitted exclusively to the Irish Legislature, and what subjects should be reserved, not for the Legislature of Great Britain, but for a Legislature in which Great Britain, England, Scotland, and Ireland would all be represented, for that was the scheme of the Bill and the real question they had to consider—whether legislation touching bills of exchange was a matter so intimately connected with trade that it would not be better to reserve it entirely to the Representatives of the three Kingdoms assembled in the Imperial Parliament rather than remit it to the Representatives of different parts of the United Kingdom meeting in their several parts of the Kingdom? A bill of exchange was a very ubiquitous thing—it went here, there, and everywhere, and it would be impossible to classify it so strictly as to say to what part of the United Kingdom it belonged. The right hon. Gentleman the Member for Bury referred to a class of bills drawn in one part of Ireland upon another part of Ireland, but acceptable and payable in London. A bill of that class had the same characteristic in London markets as a bill drawn anywhere else in the Kingdom, and for practical purposes they could not distinguish between such a bill and a bill drawn in Ireland upon London. Therefore, the question was, whether it would not be convenient for the purposes of trade that legislation touching bills of exchange should be reserved to the Parliament of the United Kingdom, and not be delegated to the Parliaments of different parts of the Kingdom? If the Government did not accept the Amendment, the matter must be made more plain, for it was impossible to follow the reasoning of the Solicitor General and say it was clear, as the Bill stood, what legislation in the matter of bills of exchange was remitted to the Irish Legislature and what legislation was confined to the Imperial Parliament.

MR. LOUGH (Islington, W.) thought that what was wanted in the discussion was a little practical experience. At present bills were drawn in London upon Ireland, and it appeared to be the opinion of some hon. Members that to get these

bills paid it was necessary to issue a writ in London and have it executed in Ireland. [*Cries of "No, no!"*] Well, at any rate in the case of such bills, the writ was issued from the Irish Courts. He thought that if they prevented the Irish Legislature from interfering in a matter of that kind they would be creating great difficulties in the way of carrying on the trade of Ireland. The Committee should assume that it would be the interest of the Irish Legislature to facilitate trade. Surely it would be the interest of the Irish Legislature to make the collection of bills in Ireland as easy as possible; because, if assistance were not given to English traders to collect these bills in Ireland, Irish traders would receive no assistance in the collection of their bills in England. Then, again, it seemed to be forgotten that the system of banking in Ireland was essentially different from the system of banking in England. Not a single argument had been advanced as to why this subject should be exempted from the Irish Legislature; and, in his view, such exemption would throw great difficulties in the way of Irish trade.

MR. DUNBAR BARTON (Armagh, Mid) said, that some Representative of the Unionist interest should be allowed to say a few words on this subject. He could assure the Committee that it was thought of enormous importance in Dublin and Belfast that the law in reference to bills of exchange should be uniform throughout the Kingdom, and that if it were not uniform Irish trade would be dislocated and Irish credit would suffer. The Prime Minister had told them that bills drawn in Ireland upon England and bills drawn in England upon Ireland would come under the term "trade," and would be excluded from the future Irish Legislature, if it ever were established. On that point he had to ask the Solicitor General a question. There were two plain principles of law—namely, that the interpretation of a contract, including a bill of exchange, was regulated by the law of the place where the contract was made, and that the remedy was regulated by the law of the place where the remedy was sought. Therefore, if a man was to draw a bill of exchange in Ireland or in England, with this Bill in operation, he ventured to say

that in an Irish Court, or in an English Court, the Judges would be bound to interpret the law according to the law of Ireland if it were made in Ireland, or according to the law of England if it were made in England, and apply the remedy in accordance with the law of England if the remedy was sought in England, or according to the law of Ireland if the remedy were sought in Ireland. The Prime Minister had said that the intention of the Government was that this matter was included in "trade," and that it should not be dealt with by the Irish Legislature. But no Court would be justified in interpreting an Act of Parliament according to the desires of those who framed it. Plain words should be inserted in the Bill that these powers were reserved to the Imperial Parliament. They were told that this Bill was part of a big scheme for the Federation of the Empire. But every Federationist desired that the law of trade should be uniform throughout the Empire, while the Government were trying to dislocate the trade of the United Kingdom—to make the laws of commerce so different, even within the narrow compass of these seas, that the merchants of London and the merchants of Belfast would be unable to tell the law which affected any question of trade that might arise. Let them look at what occurred recently in Australia. A number of banks had failed there one after another. He read the other day that a Conference had been held there with a view to having a uniform law of banking established throughout the Australasian Colonies. So that in Australia they thought it better to have, as a preliminary to Federation, a uniformity established in the laws of commerce, while the Mother of all the Parliaments was going in the opposite direction, and doing its best to separate Ireland from England.

SIR THOMAS LEA (Londonderry, S.) said, this question of bills of exchange was of the most vital importance to the commercial classes of Ireland, and they desired to see the Amendment carried. The Prime Minister had all his lifetime striven to break down the barriers of trade and commerce in all parts of the world; and now the right hon. Gentleman opposed an Amendment which proposed to carry out the trade prin-

ciples which he had always advocated. In 1882, under the Government of the right hon. Gentleman, the Bills of Exchange Act was passed. That Act implied to all the British Islands; to the Isle of Man and the various Channel Islands, and was intended to make the law on the subject comprehensive, and the rejection of the Amendment before the Committee would be a direct violation of that Act. Unless the Amendment were adopted, immense confusion would prevail in the matter of the bill of exchange. For instance, there was nothing to prevent the Irish Legislature declaring that certain festivals should be bank holidays, and great inconvenience would be caused with regard to bills which fell due on those days. The Solicitor General had said that the Bill would not make Ireland a foreign country. But the Bills of Exchange Act of 1882 said there were only two classes of bills—inland bills and foreign bills, and it was quite clear that under the bill Irish bills would be foreign bills.

*SIR JOHN LUBBOCK said, the reply of the Chancellor of the Exchequer about banks had no reference to the Amendment. The right hon. Gentleman's reply referred to the question of administration; but the Amendment dealt with the question of law. He would not enter on the subject of banks, in reply to the right hon. Gentleman, though it was tempting to him; but with regard to the question of 6 bills of exchange he should say that the issue would be very unsatisfactory to all those who were connected with trade and commerce. The Prime Minister stated that the Amendment dealt only with the details of Irish trade. Surely that was not so; it applied also to bills payable in England. If the Amendment were not adopted they would have three classes of bills, and three different laws applying to them—bills drawn in and payable in Ireland; bills drawn in Ireland upon London; and bills drawn in Ireland upon other parts of Ireland and payable in London. Such a system would introduce great confusion in commerce, for which there was not the slightest reason. If they could consult commercial circles on the subject, there was no doubt that there would be an over-

whelming expression of opinion in favour of the Amendment.

*MR. W. KENNY (Dublin, St. Stephen's Green) said, he wished to reply to a statement made by the hon. and learned Member for North Dublin. The hon. and learned Member, after having given the Committee a diluted edition of the leading article which appeared in *The Daily News* that day, proceeded to say that there was a panic in Dublin some two or three years ago on account of the non-publication of the accounts of the Bank of Ireland. There was no foundation whatever for that statement. What took place was this—

THE CHAIRMAN: I think the hon. Member is out of Order in entering on that subject.

*MR. W. KENNY said, he would only say, in reply to the hon. and learned Member, that it was not on account of the non-publication of its accounts by the Bank of Ireland that the panic arose; but it arose in consequence of a Nationalist newspaper—which did not now represent the opinions of the hon. and learned Member, but which at the time was a vital and effective force in Ireland—having preached a crusade against the Bank of Ireland because its Directors were Unionists.

Question put.

The Committee divided :—Ayes 254 ; Noes 283.—(Division List, No. 131.)

MR. WEBSTER (St. Pancras, E.) said, in rising to move the Amendment standing in his name, he would like to assure hon. Gentlemen below the Gangway, and especially the hon. Member for North Dublin (Mr. Clancy), that he did so with no wish and with no intention of casting any slight on hon. Gentlemen who represented Irish constituencies, but who believed in Home Rule. He moved his Amendment simply and absolutely for this one purpose—that he believed having a uniform system of stamps for the whole of the United Kingdom would tend, *inter alia*, to the harmonious working of the Three Kingdoms. He found, on looking to those countries of the world regarding which they had heard so much from the Chancellor of the Duchy of Lancaster (Mr. Bryce), that in the Federal system of the United States they had one uniform postage stamp for the whole of the United States. Also,

with regard to the great Dominion of Canada, the various State Legislatures had no power to issue a special stamp—that power was reserved by the Parliament of Canada. With regard to bills of exchange, he thought it would conduce greatly to the harmonious working of the commercial system to have one uniform stamp for every part of the United Kingdom. He thought it would be a grave anomaly that in Ireland there should be one stamp affixed on bills of exchange that might be considered in England as a foreign stamp, and the acceptor in this country might have to place another on the bill; and, therefore, it was desirable they should have one uniform stamp for the whole of the United Kingdom. Why did he say it would tend to the harmonious working of the commercial system of the country? Hon. Gentlemen were aware that there were various small sums sent from England to Ireland by means of the postage stamp; if that was interchangeable it became very much more facile for the people of this country to send small sums of money in the shape of stamps for the purchase of small quantities of goods in Ireland. If the Bill had specified in proper language the powers of this proposed Legislature, it would not have been necessary either for himself or other hon. Gentlemen to get up and propose exceptions to the measure; but instead of that the Bill gave general powers, and exceptions to the Bill had been worded in such a vague and indistinct manner that it became necessary for hon. Gentlemen to discuss the question at some length. There was another point, and he granted it might be considered by some as merely a sentimental aspect of the question. Suppose the Irish Legislature had power to issue a postage stamp, what guarantee had they it would be in any respect a resemblance of the stamp now in use in the United Kingdom? They might issue one with the harp, which would intensify to the popular mind the intention of the separation of one part from the rest of the United Kingdom. They might issue a stamp bearing the harp of Ireland, or with the three crowns, as suggested by the hon. Member for Essex, or with the representation of the future Chancellor, whom some said was to be the hon. Member for North Longford (Mr.

Justin M'Carthy). They did not know what they would have on their postage stamp; but when they reached the Financial Clauses of the Bill they would be able to discuss whether it was considered necessary to have a different stamp from that now in use. But he would further point out that the question of stamps was a question that was not merely a question of the United Kingdom, but was now almost an International question. They had the International Postal Convention the other day, and by means of that a uniformity of postal rates had been charged all over the world.

MR. W. E. GLADSTONE: We have provided for the uniformity of postal rates, and stamps will be included.

MR. WEBSTER was obliged to the right hon. Gentleman for his explanation. He had read the Bill through, and had heard the opinion of legal experts on the question; but he would not press the question of stamps further when he understood he left that to the Conference that was pending. The other matter—that relating to bills of exchange—had been discussed at some length; and if the right hon. Gentleman gave him an assurance that the Bill would be made to include the postage stamp, and that the stamp should be uniform all over the United Kingdom, then the necessity for his Amendment ceased.

MR. A. J. BALFOUR (Manchester, E.): Does the right hon. Gentleman propose to put the Amendment upon this clause into Clause 20?

MR. W. E. GLADSTONE: The most convenient mode would be to say that in the postal rates we include the postage stamp.

*MR. GIBSON BOWLES (Lynn Regis) asked if it would not be necessary to have two postage stamps, one for Ireland and one for England, because if there was only one for common use part of what was Irish Revenue would come to England?

MR. W. E. GLADSTONE: Our intention is that one stamp should suffice for the whole.

*MR. BARTLEY (Islington, N.) said, he did not in any way wish to give the Irish Parliament a power to make any separate standard; but the words in the clause were very wide. It was that the Irish Legislature should not have the

right of making any law concerning the standard of weights and measures. It seemed to him that would prevent them from ordering the putting up of standards even in markets and other places. If the right hon. Gentleman would accept the words, "any change in the standards of weights and measures" that would meet his point. It seemed important they should have power of legislating concerning the use of the standards about; but, as the words stood, he thought it would prevent them from passing a measure dealing with them in any way.

MR. W. E. GLADSTONE: I have no objection to the Amendment.

MR. BARTLEY then moved the Amendment standing in his name.

Amendment proposed, in page 2, line 13, to insert, after the word "or," the words "any change in."—(Mr. Bartley.)

Amendment agreed to.

MR. PARKER SMITH (Lanark, Partick) begged to move the Amendment standing in his name, to insert after the word "insolvency" the words "bankruptcy or." This was a very large and important branch of the Commercial Law, and what appeared to him to be the vital requisite in Commercial Law was its uniformity. What business men objected to was divergency and uncertainty, and they desired uniformity and certainty. That principle had been held in the different cases that had been most quoted as precedents to govern this branch of the law. For example, in the American Constitution it was part of the first Article that Congress should have power to establish a uniform rule of naturalisation, and uniform laws on the subject of bankruptcy throughout the United States. Again, the British North America Act distributed between the Dominion Parliament of Canada and the Provincial Parliaments the power over this question of bankruptcy and insolvency. It seemed to him most important, in the future relations of England and Ireland, that this system should be uniform—that there should be no divergence on this question. It was true there were different Acts for England and Ireland; but the Acts of England, Ireland, and Scotland were ancillary to each other, and each was bound to carry out the orders of the

other, and in that way it would become extremely awkward if the principle on which they were given was diverted. It seemed to him to be obvious that bankruptcy ought to continue to be treated in the same manner in the different countries; and, therefore, he hoped the Government would see fit to accept the Amendment.

Amendment proposed, in page 2, line 14, at end, insert "bankruptcy or."—*(Mr. Parker Smith.)*

Question proposed, "That those words be there inserted."

MR. W. E. GLADSTONE: We are not able to come to the same conclusion as the hon. and learned Gentleman on this subject. He has quoted two cases—one is the case of Canada and the other the case of the United States—as authorities in favour of the Amendment. With regard to Canada, I entirely protest against the idea that a division between the Dominion Parliament and the Local Legislatures in Canada is a just principle for division between the Imperial Parliament and the Parliament in Ireland. One is a question of division between two Parliaments, both of which are co-ordinate, and the other is between two Parliaments, one of which is supreme. I can well understand that in a country like Canada, with a floating population, it may be quite right to have one Bankruptcy Law; but it is a totally different question when you come to a country like Ireland, attached to a great country like England. As to the United States, the case is entirely against the hon. and learned Gentleman. It is quite true that Congress did legislate in the direction of uniformity, but it is also true that Congress withdrew that legislation, and now the law in this matter is handled by the several States. If that is so, it is a strong exception to the proposal of the hon. and learned Gentleman. As regards these Three Kingdoms, the Law of Bankruptcy between Ireland and England has not been uniform; and if anyone attempted to make the Scotch law conform to that of England in this matter, he would find himself in rather hot quarters. As regards the question of bankruptcy, it is a question of International legislation. I am in favour of uniformity, but I think compulsory

uniformity should be part of the internal functions of the Irish Legislature.

Question put, and negatived.

MR. PARKER SMITH (Lanark, Partick) moved the following Amendment:—In page 2, line 14, at end, insert "life, fire, and marine insurance; or." He said, the Prime Minister had used the argument that there ought to be no divergence between the law in Great Britain and in Ireland; and this being an important branch of Mercantile Law, it was important that uniformity should be maintained. He should be glad to know whether the Government saw their way to accept this Amendment?

Amendment proposed,

In page 2, line 14, after the word "or." to insert the words "life, fire, and marine insurance; or."—*(Mr. Parker Smith.)*

Question proposed, "That those words be there inserted."

***SIR J. RIGBY** thought this must be treated as another of those attempts to cut down bit by bit the powers of the Irish Legislature in matters in which there was no reason to suppose they would exercise them otherwise than for the benefit of the country. There appeared to be no kind of reason why this slice of the jurisdiction they had intended for the Irish Legislature should be taken away from them.

SIR J. GORST (Cambridge University): I must protest against the expression that this is another of those attempts to cut down bit by bit the functions which we have decided to entrust to the Irish Parliament, and which we have admitted they are competent to legislate upon. I think that so learned a gentleman as the Solicitor General can hardly have wilfully misunderstood the purpose of many of these Amendments which have been proposed both very briefly and very clearly to this Committee. He must have wilfully misunderstood this Amendment, however, or otherwise he would have known, as was stated most clearly, that it was moved not because a Parliament in Dublin was in any way incompetent to deal with such matters, but that it was for the interest of the whole of the United Kingdom that there should be one uniform law for many of these points. In addition to the examples of the United States of America and the Dominion of Canada, I may, perhaps, refer

to another great Power, which is a Federated Power—the German Empire. In the German Empire there are uniform laws on the subject of insurance, bankruptcy, and the whole subject of Criminal Law, and a great many other topics, not because individual States are considered incompetent to deal with these matters, but because a great civilised Power like Germany knows it is to the interest of the people of the Empire that the various parts of the Empire should possess a uniform law. We apparently are much less wise; and while a great country like Germany is endeavouring to promote uniformity of law throughout the whole of its vast territory, we are apparently engaged in the task of endeavouring to create as many different laws as we can.

MR. W. E. GLADSTONE: The application of the illustration used by the right hon. Gentleman does appear to me to strain one's faculties of self-restraint in order not to describe it in more highly coloured language. Does he mean to inform us that the law of fire insurance is uniform throughout the Empire of Germany? That is what he has been telling us. The proposal is that the Irish Legislature is to be prevented from legislating upon fire insurance, and the right hon. Gentleman says the Empire of Germany is working upon a uniform system. The assertion, coming from so acute a man as the right hon. Gentleman, seems to be so strange as to suggest that he overlooked the fact that we have got from the previous Amendment, and he must have been speaking of the previous Amendment. At any rate, we are not to be startled by such a statement by the right hon. Gentleman, when he is not in a condition to say that the law as to fire insurance in Munich is uniform with that of Dresden, or that fire insurance in Dresden is uniform with fire insurance in Berlin. The case of the United States is also cast in our teeth. But there again, Sir, is the right hon. Gentleman able to inform us—if he asserts it I will believe it implicitly—that the law of fire insurance is the same all through the United States of America? There, again, the right hon. Gentleman remains silent; therefore, I am strengthened in the opinion that he thought he was speaking upon the previous Amendment.

Sir J. Gorst

MR. GOSCHEN: If my right hon. Friend spoke upon the previous Amendment it was because the Solicitor General spoke upon a previous Amendment, and if Amendments are to be dealt with in that spirit it will be difficult to make that progress we are making upon some Amendments. The hon. and learned Solicitor General said this was one of those Amendments—he classified them—of which there are a whole series which are merely moved to restrict the power of the Irish Legislature. But that is not so. These Amendments are specimens of the cases where it is impossible to distinguish between Irish and Imperial interests, and my right hon. Friend was perfectly justified in quoting, at all events, the spirit of the German Empire.

MR. W. E. GLADSTONE: What in?

MR. GOSCHEN: Bankruptcy and Criminal Law.

MR. W. E. GLADSTONE: Fire insurance!

MR. GOSCHEN: And why does the hon. and learned Solicitor General say this is one of a class of Amendments? The hon. and learned Gentleman did not take the trouble to reply to the particular Amendment. All he did was simply to illustrate it and pooh-pooh it as merely one of a series of Amendments. That is, I venture to say, not the best way to attempt to make progress with business. I think it is easy to prove that this question of insurance is deeply interesting, not only to the Irish people, but to the English, and especially the Scotch people. A vast number of Irish insurances are made in Scotland, and there are Scotch offices that conduct a great deal of business in Ireland. This particular Amendment would show, as regards insurance, that it is not so purely an Irish matter. You can make it an Irish matter if you like, but you will by that diminish the power or the inclination of Ireland to insure in Scotch and English offices, and discourage English and Scotch offices from doing business in Ireland, quite apart from any general principle. If Scotch offices do a large business in Ireland, why is it? Because the Irish people wish to insure with them. If you want to have community of business between the three countries you ought to make the laws of insurance as similar as you can. We have seen that the Government are totally in-

different to any of these questions. They treat them all on precisely the same footing—as derogatory to the Irish Parliament. They will not see that which we, however, are determined the country shall see—namely, that you cannot separate these interests at any point. That is proved by our Amendments, and merely treating them in the way the Solicitor General has done will not advance business.

MR. MARTIN (Worcester, Droitwich) remarked that fire and marine insurance might be left to take care of themselves, but the case of life insurance was different. It was well-known that, in order to transact life insurance business in England, the office which proposed to do this had to deposit with the Government a sum of at least £20,000. It might be within the thought of the Irish Legislature, with a view to attracting business, to abolish that necessity; and they might possibly be within their rights in doing so. He should like to ask, Would an Irish Company, without having any substantial basis for life insurance, be allowed to conduct business in England and compete with English offices as a British Company, or would it be treated as a foreign company? This was an important question to the smaller class of insurers, and one on which they required to have some information.

***SIR J. RIGBY**: Before I answer the question which has been put to me by the hon. Gentleman, I wish to say I am very anxious to get rid of this Amendment as soon as possible, but I was not aware that I said a word that would touch the susceptibilities of the most sensitive. With regard to our law which provides that in certain cases Insurance Companies carrying on business here must deposit £20,000, the Irish Parliament could not touch that matter in any way. They cannot legislate for England or Scotland, and so long as we choose to maintain our law that Insurance Companies shall make deposits, whatever Irish Companies may say, they must submit to it as other companies established by other nations have to submit to our law when carrying on business here.

***MR. GIBSON BOWLES** (Lynn Regis) said, he might think that life insurance might take care of itself much

better than marine insurance. The Solicitor General always left them in a certain amount of uncertainty. He told them that "navigation" included merchant shipping, which was like saying that grammar included a birch rod, and he told them that lighthouses included lightships in Acts of Parliament. The law of marine insurance was an extremely complicated one. Take the law of general average, or particular average. He imagined the Solicitor General hardly proposed there should be two different laws with regard to marine insurance, with respect to particular or general averages, or even with regard to such ordinary accidents at sea as involved the throwing overboard of part of the cargo. He should like the hon. and learned Gentleman to explain how he proposed to keep the law of Ireland—in case the Irish Legislature made laws in relation to marine insurance—in consonance with the law of England on such matters as general and particular averages; and whether, if he did not propose to keep them in consonance with each other, he did not see that grave and serious inconvenience might arise in that part of the law?

Question put.

The Committee divided:—Ayes 223; Noes 259.—(Division List, No. 132.)

THE CHAIRMAN: The next Amendment on the Paper stands in the name of the hon. Member for North Hackney (Mr. Bousfield). It proposes—

In Clause 3, page 2, line 141, after Sub-section 9 to insert the following sub-section:—“(10) The repeal of any provision of any general Act of Parliament.”

I have to rule this Amendment out of Order. The next Amendment in Order is in the name of the hon. Member for North Islington (Mr. Bartley).

MR. BARTLEY (Islington, N.) said, he rose to move the Amendment:—In page 2, line 15, leave out “(10.)” He said, in relation to this matter, he would like to refer the Government to the general provisions contained in Acts passed by the Imperial Parliament on matters in connection with trade marks, copyright, and patent rights, and subjects of a kindred character. They had to bear in mind that all these matters were of everyday occurrence; they would have to be considered in connection with the trade

of Ireland. He was anxious to ascertain how the matter would stand—whether legislation on such subjects as were indicated would be confined to this Parliament or given over to the Irish people? Copyright and patent rights were very important, and he recognised the difficulty of dealing with them; trade marks would have an important effect on small dealers, and they ought to have a clear explanation with regard to the whole subject. He did not want to exclude the words altogether from the clause; but he thought they should hear from the Government what view they took of the points raised. He hoped the Government would be able to tell them that the provisions of the law as it stood would not be interfered with.

Amendment proposed, in page 2, line 15, to leave out “(10).”—(*Mr. Bartley.*)

Question proposed, “That ‘(10)’ stand part of the Clause.”

Mr. HANBURY (Preston) said, before the Government replied to the question of the hon. Gentleman, he would like to ask whether, having regard to the Act of 1883, it would not be necessary to introduce the word “design”? He would remind the Committee that the distinction was drawn by the Patent Office between trade marks and designs. The words in an Act passed by that House were interpreted as covering designs amongst other things. It was very important to the trade of Lancashire that they should know whether it would be necessary to insert the word “design”?

Mr. CLANCY said, he wished to put a question to the Government on this matter. As to patent rights, he could understand the desire for uniformity of legislation. A patent at present was made in Ireland on the same conditions and maintained in the same way and for the same length of time as in England. There could be no objection to that. It was for the benefit of both countries that the same condition should prevail. But there was a point connected with the matter which it was desirable to inquire about. He understood that a person in Ireland taking out a patent had to come to London, and that the fees which he paid went to the Imperial resources. If this were to continue it would mean a very great hardship to the

Irish Legislature that it could not secure the fees for patents that were Irish patents. He could not believe that this great and wealthy country would insist upon pocketing the fees for patent rights or those of inventors in Ireland, and he thought there would be a strong objection to Irishmen coming over here to take out patents. He hoped the Government would reply to this question. If the reply was unfavourable, he should feel it his duty to move some Amendment dealing with the matter. He felt that the manner in which patent rights should be taken out should be the same in the three countries. But his point was a very practical one. He put it to the Government that the Irish inventor should be spared the necessity of coming to London, and that the Irish Parliament should be in a position to accept the fees for Irish inventions.

*SIR J. RIGBY said, there was no reason advanced by the hon. Member why the matters dealt with in the Amendment should be excluded from the Irish Legislature; but it might be taken as inconsistent, *primâ facie*, to exclude from the Irish Legislature the treatment of matters which were purely Irish. The view of the Government was that there were a great many International matters involved—there were Treaties with foreign countries; and it was because of that that they wished to treat these matters as for the Imperial Parliament. He had to point out, as to the question of “design,” that there was a very comprehensive definition of it in the Act of 1883. On the question of patent rights, these rights related to the United Kingdom; there was already machinery in existence; there was an establishment in London, where a staff received the fees. It was difficult at present to say what amount of fees—he had no information at hand on the point—was received from Ireland. He could not tell what amount was expended in the working of the office, and what amount stood as profit when all the outlay was paid; and, therefore, he could not say whether the Exchequer benefited by receiving the contributions of the Irish inventors. But the expenditure in machinery and staff was on behalf of the United Kingdom, and he thought the United Kingdom, as a whole, was entitled to receive the benefit.

MR. CLANCY said, the hon. and learned Gentleman had said nothing which could induce him to believe that the Government were willing to prevent the injustice of which he complained. He (Mr. Clancy) recognised that this was not the place in which to secure a financial adjustment; but when the proper time came, he would endeavour to show that there was strong reason why the Irish Legislature should have control in that respect of fees from patents.

MR. BRUNNER (Cheshire, Northwich) said, he would venture to point out to the hon. Member for North Dublin that the amount involved must necessarily be infinitesimal.

MR. CLANCY said, the smaller the amount was the less the Imperial Parliament should have to do with it.

Amendment, by leave, withdrawn.

MR. HANBURY said, he attached great importance to the question which he had already dealt with, and he therefore proposed that the word "designs" be inserted after the word "copyright."

Amendment proposed, after the word "copyright," to insert the word "designs."
—(Mr. Hanbury.)

Question proposed, "That the word 'designs' be there inserted."

SIR J. RIGBY said, the word to which the hon. Member alluded was already defined in an Act passed by the Imperial Parliament.

MR. HANBURY said, that did not deal with future Acts. The matter was of extreme importance to the trade of Lancashire. They had it that there were, he should say, at least some 21,000 applications in respect of designs and 24,000 for patent rights, a considerable proportion of which were in connection with the trades in which his constituents were greatly concerned; and he need scarcely point out to the Government that it was of great importance that those trades should be protected. Would the right hon. and learned Gentleman undertake to bring the matter forward on the Report stage? If he would, then the Amendment need not be pressed. The hon. and learned Gentleman had admitted, as he understood him, that there was a doubt; and if there was even a possibility of doubt, surely it was not

unreasonable to ask for the consideration of the question. They were not going to ask more than the Government were willing to give—

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside): We are clear on the subject.

MR. HANBURY said, he did not know whether the right hon. Gentleman was in the House when the question was discussed and the hon. and learned Gentleman made his reply.

MR. MUNDELLA: Yes; I was.

MR. HANBURY said, all he wanted was to be clear on the subject, and he thought they could be clear if they inserted the word as he suggested. He was sorry that he had not noticed the importance of the subject before them, as he should have put the Amendment on the Paper, and the right hon. and learned Gentleman would have had a better opportunity of dealing with it.

MR. KNOX (Cavan, W.) said, they include the words "copyright in designs." The word "designs" would have no meaning.

SIR H. JAMES said, he would refer the Solicitor General to the terms of the definition in the Act of 1883. He would suggest that the Government consider the matter.

*SIR J. RIGBY said, he had already dealt with the subject of the definition; but, if there was a doubt on the subject, he would be ready to consider it.

MR. A. J. BALFOUR (Manchester, E.) said, if they put in some words to the effect that "copyright" should be on the same meaning as the word held in the Act of 1883, he did not think there would be any doubt. However, as the Government would be adjourning over the dinner-hour, he would suggest that the Solicitor General might devote his mind to the point, and tell them his decision on resuming.

*SIR E. HARLAND (Belfast, N.) said, he would like to call the attention of the Government to this fact: that at the Patent Office one taking out a patent must show that it had some originality in order to secure the registration. That had nothing to do with the matter of copyright. One had to pay special fees on a design. On the registration of a design there were certain recognised rules, and he thought

the Solicitor General would see that a registration of design was a totally different thing from that of copyright.

SIR J. RIGBY said, that registration was one of those things upon which copyright was given.

MR. CLANCY hoped that before the Government accepted any Amendment they would require it to be put on the Paper so that the Committee might have an opportunity of considering it.

MR. JESSE COLLINGS (Birmingham, Bordesley) said, the right hon. Gentleman the Member for Bury had said he considered the Solicitor General to be right in the main, but he had added that he had serious doubts as to whether the words in regard to the copyright of designs had any bearing beyond the Act of 1883. If there was a doubt as to whether the words would affect designs generally, why did not the Solicitor General insert words to make the point clear? There were thousands of designs brought out every day, and it would be an unpardonable thing if anything were done which would allow the Irish manufacturers to crib the designs of British manufacturers with impunity. He hoped the Government would remember that this was a British as well as an Irish question.

MR. HANBURY hoped the hon. and learned Gentleman the Solicitor General would take the advice of the right hon. and learned Gentleman the Member for Bury, and consider this matter between now and Report, otherwise he (Mr. Hanbury) would have to divide the Committee on the Amendment. At present the hon. and learned Gentleman had the practice of the Patent Office against him.

MR. MUNDELLA : No, no.

MR. HANBURY said, the President of the Board of Trade, who, apparently, knew everything, said "No, no." The right hon. Gentleman might give the Committee the benefit of his advice in the matter. The Patent Office had three branches divided into Patents, Designs, and Trades Marks. So much for the administrative side of the question; then to come to the legal question, the right hon. Gentleman the Member for Bury was distinctly at issue with the Solicitor General. He had said that it was doubtful whether the word "copyright" would refer to designs in other than the

specific Act of 1883. Seeing that there was this difference of opinion, clearly it would be to the interest of manufacturers throughout the country that the point should be settled, and that the Government should insert words as to which there could be no doubt.

*MR. BARTLEY said, that the words of the Bill of 1886 were most emphatic, and all they would ask would be that the Government should put in the present measure words which would include the definition of the Bill of 1886. He hoped the Amendment would be carried to a Division.

MR. A. J. BALFOUR thought it was unnecessary to divide. He did not suppose there was any real difference between the Government and the Opposition on the matter. The Government, however, must see that the feeling of uneasiness which had been raised was not an unnatural one. The right hon. Gentleman the Member for Bury had said that his first feeling was one of agreement with the Solicitor General, but that on looking at the Act again doubts hung over his decision. The Solicitor General wished not to excite unnecessary uneasiness amongst the Representatives of the manufacturing towns, or amongst those they represented, and he (Mr. A. J. Balfour) could assure him that the feeling was strong in Lancashire, and strong also in the Midlands, judging from the observations of the right hon. Gentleman opposite (Mr. Collings), that this question should be put beyond dispute.

SIR J. RIGBY said, he had already pledged himself to consider this matter very carefully.

*SIR F. POWELL (Wigan) said, the manufacturing and industrial population of Great Britain had reason to complain of the attitude of the Government. When any question arose as to there being a long line, the line was always divided at such a point as to be unfavourable to Great Britain. When there was any doubt, the doubt was always left in such a form as would make it most injurious to Great Britain. This was a matter vitally affecting the industries of Lancashire and Yorkshire. There were few points of greater moment to our industries, and few matters that more concerned our trade. Two or three years ago they had the Cotton Factory Act

elaborately argued. One of the clauses in that measure contained a provision about designs, and the working classes at that time fully appreciated the importance of preserving what he might describe as the sanctity of design. They were willing to forego what they thought their just claims in order that copyright in designs might be kept intact, and he thought the Government would be open to great censure if they pressed hardly upon the working classes in this matter. He would put it to the Solicitor General whether, supposing the law dealing with copyright was altered, the effect of that alteration, so far as the Irish Legislature was concerned, would be kept in view. If the Act was abolished or modified by some operation of this Parliament, full liberty would be given to the Irish Parliament, and great and permanent injury might be done to our manufactures. This was not a minor question. It was a gigantic issue. [*Laughter.*] What! piracy of designs was not a gigantic issue? Then he pitied the gigantic character of the ignorance of hon. Members. Supposing the Irish Legislature were to legislate in a manner unfavourable to the copyright of our designs, and there were to be jealousy aroused on the part of our manufacturing and industrial population, there would be difficulties raised as regarded the import of Irish goods. It might be necessary to have a more careful investigation of Customs, and the free interchange of commodities between the two countries might be greatly impeded.

MR. J. MORLEY said, the hon. and learned Gentleman the Solicitor General had stated that between now and the Report stage he would bring up words to meet the difficulty. He could not accept the words proposed, believing them to be unnecessary. As to the words in the Act of 1886, they had been left out from no sinister motive.

MR. BARTLEY said, he did not suggest that there had been such a motive.

MR. J. MORLEY said, the words had been left out because it was thought that they would be unnecessary and inoperative. If, however, between now and the

Report, it is found that there was a general desire for the words of the Bill of 1886 to be inserted, the Government would do their best to meet that desire. He trusted that now the Amendment would be withdrawn.

MR. HANBURY said, that on that understanding he would withdraw. The right hon. Gentleman, however, began by saying that the Amendment was unnecessary, and that did not look as though he were going to give an unprejudiced consideration to the matter. He (Mr. Hanbury) would suggest that a much better way to meet the difficulty would be to re-insert the words of the Bill of 1886.

MR. J. MORLEY said, he thought it was likely that that was what would be done. If the words were accepted by hon. Gentlemen from Ireland as being good words in 1886, there would be no objection to putting them in now, although they were unnecessary.

MR. CLANCY: We never considered the question at all in 1886.

DR. KENNY (Dublin, College Green) said, the Bill of 1886 had never got into Committee. Though the Irish Members had given a general assent to that Bill, they had never pledged themselves as to any of its details. He would appeal to the Government, instead of giving way to an Opposition who had avowed the intention of wrecking the Bill, to do all they could to strengthen the measure.

MR. HANBURY said, he would ask leave to withdraw the Amendment, on the distinct understanding that the Government would not be prejudiced against the proposal; that they would not consider it unnecessary, and that they would not listen to the dictation of Irish Members.

Amendment, by leave, withdrawn.

MR. BOUSFIELD (Hackney, N.) moved to add as a sub-section the words "sale of goods." He said there had been many attempts among lawyers during the last few years to reduce some of the provisions embodied partly in the Common Law and partly in different Statutes into

the form of a Code, which should be as far as possible uniform for England, Scotland, Wales, and Ireland. The question of the sale of goods was one that was specially occupying attention in this connection. Lord Herschell last year took up a subject and introduced into the House of Lords, a Bill called the Sale of Goods Bill, which did not, however, get through all its stages. This year the measure had been introduced as a Government Bill. It had passed through all its stages in the House of Lords, and he believed now stood for Second Reading in the House of Commons. He (Mr. Bousfield) had put down three Amendments together as being closely connected. They related to bills of exchange, sale of goods, and public companies. Unfortunately, an Amendment dealing with bills of exchange had already been discussed, and it had been made evident that the Government had no notion of the importance to the mercantile community of uniform law throughout the Three Kingdoms, and they were absolutely and utterly careless about the matter. A great deal was heard about Home Rule all round, and it was evident that the Government were prepared to entrust the Local Legislatures in each of the countries forming the United Kingdom, with the power of altering Mercantile Laws, which were at present uniform throughout the Three Kingdoms.

SIR W. HARCOURT: No.

MR. BOUSFIELD said that their attitude respecting bills of exchange had shown that they were prepared to alter the Mercantile Laws.

MR. J. MORLEY: The law in respect of sale of goods is not uniform between Scotland and England, and there is at this moment a Bill before the House to make it so.

MR. BOUSFIELD said, his point was that the Government were prepared to entrust powers to Local Legislatures, which might have the effect of abolishing uniformity in Commercial Laws where it existed. Everyone knew how differences of law created barriers between countries, and hampered and hindered trade be-

Mr. Bousfield

tween them. Barriers of this sort were now to be set up between the different parts of the United Kingdom. This would be recognised by those whose livelihood depended on trade as a thoroughly retrograde step. It was a most curious phenomena that the same Government which brought in a Sale of Goods Bill, which would if possible make things more uniform as between England and Ireland, should introduce another Bill which would give Ireland power to legislate on those waters for herself. It was also remarkable to observe that under the 33rd section of the Home Rule Bill, if that Bill passed before the Sale of Goods Bill, the Irish Parliament would have no power to interfere with the last-named measure, although if the Sale of Goods Bill happened to be passed first the Irish Legislature would have power to interfere with it. Was it not a ridiculous position for a Government to occupy—that they left so important a question to a fluke of that kind? The important question, however, was that of uniformity in our Mercantile Laws—the question whether the process of codification was to be absolutely nullified and the tendency towards uniformity put a stop to. The hon. Member for Dublin County (Mr. Clancy) had in a previous Amendment suggested that in bringing forward Amendments of this kind Unionist Members were insulting the Irish Members. He, himself, could not see where the insult came in. Was it an insult to hope that uniformity should be maintained as far as possible in the laws of England, Ireland, and Scotland? If the Irish Members agreed that uniformity in trade laws was a desirable thing, he failed entirely to understand why they should regard such Amendments as insulting. Suppose he had been in partnership with a man for some years, and was going to enter into a fresh partnership with him, would it be an insult to that partner to express a desire that the terms of the agreement should be put upon paper so that there should be no misunderstanding? In the same way, in regard to the new kind of partnership which the Government suggested should exist in the future between England and Ireland, it was no insult to Ireland to ask that the terms of the agreement should be clearly defined.

Amendment proposed,

In page 2, line 16, after Sub-section (10), to insert as a new sub-section " (11) Sale of goods, or."—(*Mr. Bousfield.*)

Question proposed, "That those words be there inserted."

*SIR J. RIGBY said, as the Committee had decided not to have a uniform Commercial Code, it would be neither logical nor reasonable to pick out a particular branch of the law, and say that it should be excluded from the powers of the Irish Legislature.

SIR E. CLARKE (Plymouth) said, he must take strong exception to one observation of the right hon. and learned Gentleman. He told them that the Committee had decided that there should not be one uniform Commercial Code. Now, the Committee had decided upon certain matters that there should not be restrictions placed upon the Irish Parliament which would prevent it from setting up a separate Commercial Code; but it had not decided not to have a uniform Commercial Code. Some of the decisions which had been arrived at were rather inconsistent with the establishment of uniformity in the Commercial Code between this country and Ireland, and those decisions were, accordingly, to be regretted. But the matter attained, he thought, somewhat more importance since the speech of the Solicitor General earlier in the evening. The Solicitor General then said that the Bill had for its object the relegation of certain matters to the Irish Legislature. If that were an accurate description there would be little justification for dealing with similar subjects in the form of Amendments; but that was not so. The Government resisted the proposal to make this Bill one of specific delegation. It was now one of general delegation with certain specific reservations. That being so, it was reasonable, upon points where it was desirable to have equality of treatment for the different parts of the United Kingdom, that there should be specific reservations in the Bill. It would be a serious matter if it were otherwise. For how did they stand? If there were Local Parliaments in Scotland, Wales, and England, they would, no doubt, have

also an Imperial Parliament dealing with matters relating to the different parts of the Kingdom. It would be extremely unfortunate, at a time when the Imperial Parliament had for some years given its attention to the codification of the law, that there should be even a possibility of divergent rule in this matter in different parts of the United Kingdom—even though, as he said, they were to have Local Governments or Parliaments in the different parts of the Kingdom.

MR. RENTOUL (Down, E.) said, the Member for North Dublin (Mr. Clancy) had referred to some of the Amendments put down as insults to Ireland. The hon. Member evidently forgot that they were dealing with the Bill of 1893, and not of 1886. In 1886 it was proposed to exclude the Irish Members. In 1893 it was proposed to retain them. That being so, he was sure the hon. and learned Gentleman would not fail to see that it was of the greatest importance to Ireland that there should be a uniform rule of law with regard to all matters of this sort where England, Ireland, and Scotland had interests exactly the same. It did seem strange that the Member for North Dublin should look upon uniformity as insulting to Ireland.

MR. STOREY (Sunderland): Question!

MR. RENTOUL said, he was speaking to the Question, and the hon. Member opposite was not yet Chairman of Committees. It would be extraordinary if the Irish Legislature had powers, in such an important respect, to make laws which would be different in character and scope from those framed and passed, probably by the vote or support of Irish Members, at Westminster. They should have the same system of laws in both countries. If they could not get entire uniformity, which the Solicitor General appeared to think they had already, they should try, at least, and get a part of the necessary uniformity. The Irish Nationalist Members might be willing that the Government should agree to this Amendment. He would point out to them that at present they reposed confidence in a con-

siderable section of English and Scotch Members—hon. Gentlemen opposite—and, that being so, they could not fairly object to continuing to discuss these important matters in that House, where they were to remain after the Irish Legislature had been established.

Question put, and negatived.

MR. BOUSFIELD proposed to insert—“(11) Companies, their constitution, incorporation, and registration.”

He said they had now a distinct statement from the Government that they attached no importance to uniformity of law in these matters throughout the Kingdom.

SIR J. RIGBY : No, no !

MR. BOUSFIELD said, they had it distinctly, at any rate, that the question was not worth dealing with in this Bill ; and, that being so, he did not know whether he ought to proceed with this Amendment. But if they could not have uniformity in one case, perhaps he could show them a case where it might, and ought to be, accomplished. In a great many instances trading companies had offices in Belfast and in Liverpool, and others had offices in Dublin and in Liverpool. It would be absurd that they should be under one law in Belfast and Dublin, and under another law in Liverpool. It would, no doubt, be said that the Irish Parliament would not be likely to alter the Company Law ; but with regard to a great and important question of this kind the policy of reservation should be made clear, and should appear on the face of the Bill.

Amendment proposed,

In page 2, line 16, after sub-section (10), to insert “(11) Companies, their constitution, incorporation, and registration.”—(*Mr. Bousfield.*)

Question proposed, “That those words be there inserted.”

*SIR J. RIGBY said, he was obliged to oppose the Amendment, and, in doing so, he would point out upon this branch of the law that, according to the policy of the Parliament of the United Kingdom, it had not been thought desirable

Mr. Rentoul

that companies in Ireland should be put upon the same footing as companies in England and Wales, for the Companies Winding-Up Act, 1890, which was a most important Act, was confined to companies that had their registered offices in England or in Wales. That was a deliberate decision of this Parliament—that it was not an essential or vital matter that the Company Law should be identical in England, Wales, and Ireland.

SIR E. CLARKE said, while sympathising with his hon. and learned Friend in his endeavour to secure uniformity of legislation with regard to matters of this kind, he could not help feeling that this Amendment was covered by the decisions to which the Committee had already come, and that to insert it would be, to a certain extent, inconsistent with those decisions. He considered it was most useful that these Amendments should appear upon the Notice Paper, because they brought home to the minds of the commercial community the extent to which this Bill would affect the trade relations between the two countries ; but he hoped the hon. and learned Member would recognise that he had done sufficient service to the cause which he represented by putting his Amendment on the Paper, and that he would not press it to a Division.

Amendment negatived.

*SIR F. S. POWELL (Wigan) said, he rose to move to insert after Sub-section 10 the words (11) “Marriage and divorce.” The Amendment was one of great importance, and when they considered the close association between Ireland and Lancashire and other neighbouring parts of the country, they would see the necessity for the very strict regulation of the Marriage Law. This question had, in previous cases, been reserved from the Provincial Legislatures. In the year 1852, when a new Constitution was granted to New Zealand, which at that time had a Central Authority and a number of Provincial Assemblies, the Imperial Parliament reserved to the Central Authority all dealings with the Marriage Laws. Again, in 1867,

marriage and divorce were reserved to the Dominion Parliament of Canada ; and he could not find that in the passage of the Canadian Act through the House of Commons a single objection had been made that those subjects were so reserved. With reference to the United States, the Chancellor of the Duchy of Lancaster (Mr. Bryce) had in his book, of which they had heard so much, given a very clear view of what was necessary. He said—

“A more complete uniformity as regards marriage and divorce might be desirable, for it is particularly awkward not to know whether you are married or not, nor whether you are divorced or not ; and several States have tried bold experiments in Divorce Laws.”

And, again, Judge Cooley is reported by the same writer to have said—

“There is little substantial diversity in the Laws of Marriage in different States, the general rule everywhere being that no special ceremony is, and the statutory forms are not, deemed imperative.”

When a Bill had been passed by the Legislative Houses in Victoria dealing with the Law of Divorce, Lord Knutsford hesitated whether he would advise Her Majesty to sanction it ; but, as he explained in a Despatch in February, 1890, his objection to the Bill was met by the action of the Parliaments of New South Wales and South Australia, and, further, by the fact that the Agents General of all the Australian Colonies appeared before him, and pressed that Her Majesty's consent should be given to the Bill. Lord Knutsford then went on to deal with another important matter—

“As to the third condition,” he wrote, “to which Her Majesty's Government attached the most importance—namely, that legal domicile should be required as a condition of a capacity to obtain a divorce, they observe with satisfaction that upon further consideration this change has been made.”

“Domicile” was a terror to the lay mind, though it might have some attraction for gentlemen of the Legal Profession, because probably no word in the language had given rise to more litigation than “domicile.” Section 15 of the Victoria Act referred to thus defined “a domiciled person”—

“A domiciled person shall, for the purposes of this Act, include a deserted wife who was domiciled in Victoria at the time of desertion, and such wife shall be deemed to have retained

her Victorian domicile, notwithstanding that her husband may have since the desertion acquired any foreign domicile. No person shall be entitled to petition under this Act who shall have resorted to the Colony for that purpose only.”

He thought that that passage was worthy of notice, because it showed that if they were to have one law enacted by a Local Legislature, totally irrespective of the Central Legislature, they would have great confusion as to the interpretation of the Law of Domicile. There were many laws which were necessarily obscure, and only understood by lawyers ; but when they came to the subjects of marriage and divorce, which affected the daily lives of the people, the law should be simple and clear, as free from ambiguities as possible, and entirely free from difficulties and doubts. He was sure the Prime Minister would pardon him when he reminded him of an observation which he made in 1890 in respect of certain transactions in regard to marriage which took place in the Colony of Malta. Persons of the most exalted character appeared on the scene on that occasion—His Holiness the Pope, Lord Salisbury, and that distinguished personage, Sir Lintorn Simmons. That controversy was one of great anxiety, and it showed the importance of their being most careful when they dealt with the question of Marriage Laws. Previous to 1865 there had been many laws respecting marriage in the Colonies. The Imperial Parliament felt that there was a great objection to a multiplicity and diversity of laws on the subject, so in 1865 it interfered and passed an Act, the pith of which was—

“Every law made or to be made by the Legislature of any of Her Majesty's Possessions abroad for the purpose of establishing the validity of any marriage previously contracted in such Possession shall have, and shall be deemed to have had, from the date of the making of such law the same effect for the purpose aforesaid, within all parts of Her Majesty's Dominions, as such law may have had or may hereafter have within the Possession for which the same was made, provided that nothing in this law contained shall give any effect or validity to any marriage, unless at the time of such marriage both of the parties thereto were, according to the law of England, competent to contract the same.”

He thought that was a remarkable proof of the judgment of the Imperial Parlia-

ment, that the whole of the Marriage Laws of the Colonies should be retained under the control of the Imperial Parliament. When they left the Colonies and came to Great Britain interest in the subject increased. In 1892 the hon. and learned Member for Aberdeen brought in a Bill to assimilate the Law of Divorce in England and Scotland, and thus described its intention in a few simple words—

“I think it desirable, on the question of divorce, that the law of two peoples who frequently intermarry should, if possible, be the same.”

That, too, was the object of his Amendment. Amongst the names on the back of the Bill were the Home Secretary and the President of the Board of Agriculture, and it was supported in the Lobby by the Vice President of the Council and the Chancellor of the Duchy, all of whom, he contended, supported the proposition in his Amendment—that the Marriage Laws of the three countries should be as far as possible alike. He did not wish to enter on the long story of Irish legislation in respect to marriage. The perusal of the enactments on the subject showed him how difficult it was to obtain consistency and uniformity even when the Imperial Parliament was master of the situation, and went to prove the impossibility of securing harmony on such matters in an Irish Legislature, where, no doubt, passions would, from time to time, run high, and where the great predominance of opinion would be in favour of views respecting marriage which were not in favour with the minority from the North of Ireland. He did not believe that a conflict of laws would be to the interest of Great Britain or of Ireland; and he was firmly convinced that, having regard to the genius of the several populations, if not complete identity of form, at least conformity, as far as practicable, ought to govern our legislation respecting the holy state of matrimony. He begged to move the Amendment.

Amendment proposed,

In page 2, line 16, after sub-section (10), to insert as a new sub-section, “(11.) Marriage and divorce.”—(*Sir F. Powell.*)

Question proposed, “That those words be there inserted.”

Sir F. S. Powell

MR. W. E. GLADSTONE: I can assure the hon. Gentleman that I make no complaint of his having entered upon so many details and particulars in moving an Amendment of this importance. It was no more than the hon. Baronet's duty absolutely required; but I much regret the nature and character of the Amendment, and I believe that the hon. Baronet has altogether failed to make good his contention. On the contrary, it must be palpable to every Member of this House who has turned his mind to this question—speaking, at least, of people of our own race, for I do not pretend to be acquainted with the Marriage Laws of other countries—that the facts conclusively prove that in no case has Parliament attempted to force together, under one and the same Marriage Law, any very large community or body of persons.

SIR F. POWELL: Canada.

MR. W. E. GLADSTONE: Canada does not contain a very large body of persons. Canada will serve my purpose very well, for it serves to mark what the hon. Gentleman failed to notice—the extraordinary diversity which prevails amongst the communities with respect to the Marriage Law. The hon. Member ought to have supported his contention by showing that the English-speaking races under the Crown have one and the same law. But, on the contrary, the Colonies have made good their claim to have a different law from ours. That is now placed beyond all doubt. The hon. Member quoted the Act of 1865, the effect of which is, if I understand the quotation, that the judgments of the Colonial Legislatures and the laws of each Colony in their results are to receive respectful attention, and to be supported by the Courts of Law throughout the United Kingdom. The hon. Member said—I think strangely—that that is a proof of the judgment of Parliament that we ought to keep in our hands the uniformity of the Marriage Law. In my view it proves exactly the reverse. These Colonies have, at the outside, none but a local power of legislation. The

Colony can provide under its own Act for having the sanction of the Crown for the maintenance of certain marriages in its own Courts, but it has no power to go beyond its own Courts; and here Parliament steps in, and to the local legislation of each particular Colony it gives a currency in the rest of the Provinces of the Empire. That is a direct sanction given to the principle of diversity. The hon. Member in the course of his speech named Malta, the Pope, Lord Salisbury, Sir Lintorn Simmons, and I think he named myself. The hon. Baronet enumerated this good array of personages; but he did not tell us why he did not proceed to give the Committee either any judgment he had formed for himself or any materials by which the Committee could form a judgment for ourselves. I am, therefore, obliged to pass by the case of Malta for the present; but I am not aware that the hon. Member could draw any inference from the case of Malta in support of his proposition. I will, however, take the great English-speaking races of the world, and divide them into three groups. First of all, I will take the United Kingdom—formed of England, Scotland, and Ireland—secondly, I will take the Colonies; and, thirdly, the United States. In the United States they have the most enormous diversities of Marriage Laws. In South Carolina, for example, two or three years ago, if not at present, the old Ecclesiastical Law of this country prevailed, recognising no divorce whatever. On the other hand, they have laws in Connecticut, the effect of which is that such facility is given to the marriages contracted in some States that one in 10, in some one in eight, and I am not sure but that there is a case of one in five, contracted are invalidated. Do not suppose that I am recommending that state of things; but I mention it to illustrate my argument that even with the enormous inconvenience and scandal of many of those laws there is great diversity, rendering it impossible, in many cases, as the hon. Baronet said, for a man to know whether he was married or divorced. In fact, there are cases in which 10 minutes travelling in a railway train will carry a man out of the condition of marriage into the condition of divorce.

The United States is blessed with a dissolution of 25,000 marriages every year; and yet even, with that monstrous state of things, it has not been able to bring about uniformity in the United States. No doubt, there is a movement in favour of uniformity. No wonder. If anything could arouse such a movement—if anything could carry it to success, it must certainly be a condition of law and a condition of practice such as I have, I believe, accurately described. But not even that monstrous state of things will induce the United States to create a uniform law. Now, Sir, I take the Colonies. Are the Colonies under one Marriage Law? The Committee know that they are not under our Marriage Law, and they know that this country has made most resolute efforts to keep them under our Marriage Law. Again and again Colonial Acts varying from our Marriage Law were vetoed; but the Colonies persevered, and the Colonies won the day, and now there is extraordinary diversity, showing how dangerous it is to endeavour to apply compulsion in this case to important communities. What has happened? In some Australian Colonies they have proposed—I rather think they have carried—large and loose Laws of Divorce. What has Canada done? It has deliberately taken to the state of things condemned in this country in 1857. Canada has no Divorce Law, except a *privilegium* for a special case in which a strong reason is shown. Does not this immense variety of tendency illustrate the difficulty and the danger of forcing people under the same Divorce Law? Take, again, the case of the United Kingdom. Here we have an aggregation of nearly 40,000,000 people. We have never been able to enforce uniformity in the Three Kingdoms. Scotland has all along possessed her own Law of Marriage, totally different from that of England, and highly disapproved, I think, by all great authorities in England; but we have never ventured to interfere with it against Scotch opinion, feeling, and tradition. In the Debates on the Divorce Act of 1857, Sir George Grey, who was then Home Secretary in the first Government of Lord Palmerston, stated, with that moderation and ability which always distinguished that most excellent

of men, a great argument for the Divorce Act. What was it?—in order that we might have one Marriage Law in three countries. But what was the end of the Divorce Act? Whereas before the Divorce Act we had two Marriage Laws, in the three countries after the Divorce Act we had three, for the old law of Ireland remained unchanged, and the law of Scotland remained with all its peculiarities. Ireland has a law fundamentally different from the English law, and it has possessed that law for 40 years and has never deviated from it. I have never heard of any desire, even amongst the Protestants of Ireland, to introduce the English Divorce Law; certainly, no attempt has been made on behalf of the Protestants of Ireland to introduce it. Ireland having rested contentedly under this law, and we having respected her local or national sentiment to the extent of never interfering, why should we take out of her hands and keep hanging over her this dread of our Divorce Law? I have no right to speak for the Irish Members; but I trust that the Irish Members will let the Committee know what view Ireland takes on this subject. My impression is that first of all the argument for such an Amendment is entirely at variance with all the facts which we can draw from the English-speaking countries of the world, and that most of all it is at variance with the state of things in our own country. I say it has been found impossible in the United States, in the Colonies, and in the United Kingdom. Ireland has differed for a lengthened period from your present law. She is the representative of our ancient, and for many years undisputed—entirely undisputed—law. I believe Ireland would greatly lament and resent interference of this kind. I am bound to say, guided by analogy and by experience, that there is nothing to be said in its favour. Surely the hon. Member must see that it is idle to quote a case like New Zealand. When New Zealand received its law, and when the Marriage Law was reserved for the Central Legislature, the inhabitants of New Zealand were but a very few hundred thousand people; and even in Canada, where, no doubt, the Dominion Parliament has been invested—and I do not think improperly invested—with the general control of the

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Law of Marriage, even there the solemnisation of marriage is, by an express provision in the Act, left to be dealt with by the Legislatures in the several Provinces. There is no power to enforce uniformity of legislation, and in the British Islands you are unable to do it. I must, therefore, decline to insert this Amendment.

SIR E. CLARKE (Plymouth): The Committee has had a very interesting speech from the right hon. Gentleman upon the very important Amendment which has been submitted; and I have no doubt that the expectation which he has expressed, that there would be a statement made from the Benches below the Gangway on this side, will presently be gratified. The right hon. Gentleman has divided the English-speaking races into three groups. With regard to the United States, we know that our Courts here are continually discussing whether or not in American cases divorces had been effective. The difficulty which exists in the United States is not confined there, but affects other persons resident in this country. There have been cases over and over again where there has been a resort to an American State for the purpose of getting the divorce, upon grounds which in this country would not in the least justify a dissolution of the marriage tie. With regard to the Colonies, the right hon. Gentleman's point was that we had tried steadily to secure uniformity of marriage there, but that we had failed, in view of the disposition of the different Colonies, which we were unable to control. It is true there is a diversity of practice in the United Kingdom; but will anyone suggest that the diversity in the United Kingdom, the Colonies, and the United States is anything but a misfortune and a disaster? I think it has been long recognised that the Law of Marriage ought to be a matter of International agreement; and, indeed, the whole of that part of the speech of the right hon. Gentleman went to establish the desirability of obtaining a uniform Marriage Law. We do not desire to leave to the Irish Parliament an opportunity of rendering still wider the divergence in the

Marriage Laws of the United Kingdom. My hon. Friend referred to the case of Malta. That case has involved serious difficulties which have to be dealt with diplomatically, and the Canon Law is declared to be the only law which exists in the Island of Malta. It is maintained by great authorities in Malta, not simply by Ecclesiastical Authorities, but Legal Authorities, that no marriage which is not valid according to the Canon Law has any validity at all. It is quite conceivable that in a country where the action of the Legislature is controlled by the priesthood of the Roman Catholic Church, there would be a strong and an effective attempt made to depart further than the law of Ireland does, at present at all events, from the rules with regard to the efficacy of civil marriage which obtain in this and other countries. If there be a fear of such an attempt being made in Ireland, I think it is desirable that in this Bill a specific restriction should be placed upon the Irish Legislature in dealing with such an important matter. It has often been said that the object of this Bill is to give to Ireland the right of regulating purely Irish affairs. But the question of the Marriage Laws cannot be said to be a purely local affair; and it is intolerable that a Bill for establishing a Local Legislature in Ireland should give to that Legislature the power of dealing with the Marriage Laws. The real question is, whether we do or do not desire to secure uniformity in the laws of the whole of the United Kingdom? There is, even at the present time, no uniformity in the United Kingdom in these matters, and it is a question whether the Scottish Law of Divorce is or is not better than the English law. The attempts made to assimilate the laws of these two countries have not been successful. It has, however, been recognised to be of importance to establish a universal Divorce Law; and we ought not to give a power to a Local Legislature to increase the differences in our Marriage Laws, especially when we have reason to believe that the Local Legislature will be governed by opinions which, to the people of England and Scotland, will appear retrogressive, and will tend to render our laws upon these important points even more inconsistent than they now are. I sincerely trust some more

accommodating spirit will be shown on the part of the Government with regard to this Amendment.

Mr. MACARTNEY (Antrim, S.) said, it appeared to him that the Prime Minister's arguments did not go to the essence of the Amendment. They appeared to him to deal with a vast variety of interesting matters which were not raised by the Amendment directly, and which seemed to lie outside it. All his hon. Friend had asked the Committee to do was to reserve to the Imperial Parliament the right of dealing with the Marriage and Divorce Laws of Ireland if it should seem necessary. In the British North America Act, the Imperial Parliament had to deal with precisely the social questions connected with these laws that would arise in Ireland. He did not think that the Prime Minister could lay any great weight on the question of comparative population. Greater weight should rather be attached to the divergence of opinion in a country; and in Ireland there was a strong conflict of opinion, such as existed in Canada, on the subject of Marriage Laws. The Amendment was not, in his opinion, important as regarded the question of divorce. He did not believe that any section in Ireland desired to see the Divorce Laws enlarged. The Prime Minister alluded to the fact that in the Colonies and the United States there existed a vast variety of regulations with regard to marriage and divorce, and had frankly admitted that those divergencies were not desirable. Those regulations, in fact, existed at one time in Ireland, and created considerable friction. Some 40 or 50 years ago there were laws regulating the marriages of the Irish people, which laid the children of mixed marriages under heavy disabilities. The consistent course of policy pursued by the Imperial Parliament had been to remove, one by one, disabilities as between Roman Catholics and all sections of Protestants in Ireland, and then to remove the disabilities of the children of mixed marriages. At the present moment there was one uniform Law of Marriage existing in Ireland in common

with England, and that was the civil marriage; but beyond that there was no doubt at present as to whether a marriage in Ireland had been legally contracted or not—a point as to which much uncertainty prevailed 40 or 50 years ago. Those whom he represented felt the gravest apprehensions at the prospect of seeing the Law of Marriage handed over to the proposed Legislature, because they could not shut their eyes to the fact that there was a determined effort on the part of the leaders of the greater portion of the Irish people to inflict upon those who entered into mixed marriages every possible disability in social life; and if a Legislature were set up with power to deal with the Marriage Laws, it would be impossible for it to resist the influence of those who guided the faith and conscience of the Roman Catholic population, with the view of making the social indignity into a civil disability. In his references to the United States the Prime Minister had failed to estimate the great defect in the Constitution of the United States, and that was that public opinion could never be brought to act adequately upon those questions. The best writers on the American Constitution were agreed that there was nothing more dangerous to the social system of the United States than the diversity of the Marriage Laws in different States. He ventured to trust that the Prime Minister would re-consider the absolute negative he had given. With all the facts before them, they were entitled to ask the Prime Minister and the Committee to guard the interests of the minority in Ireland from any unfair application of the views of a particular Church in regard to marriage—views which there was too much reason to fear it would be one of their first objects to carry out, should an Irish Legislature be established.

LORD RANDOLPH CHURCHILL (Paddington, S.): I have no reason to suppose that any Irish Representative is prepared, at any rate at the present moment, to take part in this Debate. The subject is one of great interest, and one upon which I think no dogmatic doctrine would be justifiable; but from the point of view of convenience there is much to be said, and perhaps more than

Mr. Macartney

the First Lord of the Treasury was quite disposed to admit in his interesting speech. The views of the Catholics of Ireland on the Marriage Laws would, if legislative effect were given to them, inconvenience and embarrass the Protestant part of the community, whose family relations would inevitably become complicated and uncertain. There appears to me four lines of the Marriage Law on which Irish Catholic opinion and Irish Protestant opinion would be certain to diverge; and the divergence, if it occurred, would justify the Catholic majority in legislating in accordance with their wishes. The first reason for divergence between Catholics and Protestants would be the marriage of first cousins. Marriages of that kind are strongly condemned by the Roman Catholic Church and hierarchy, and that condemnation is very largely shared by all Catholic people; whereas we know that under our Protestant law the marriage of first cousins is considered not only legal, but a perfect marriage—even by the Church. That might make a tremendous difference among Protestants and Catholics, because Catholics, holding so strong an opinion as they do, might forbid the marriage of first cousins. I will not go on to argue that they might make their legislation *ex post facto*, because, though I know there is nothing in the Bill to prevent it, I imagine that such a course would go beyond the bounds of reason. I come to another marriage to which I think Catholics would strongly object and Protestants would see no harm in. It is the re-marriage of divorced people. I think that the Catholics have no stronger dislike, based on religious grounds, than of the re-marriage of divorced people. It is also a dislike and a disapproval which is supported with the greatest possible strength by the whole Roman Catholic hierarchy; therefore no re-marriage between divorced people, or marriages of divorced people with other persons—which is the same in the eyes of the Catholic Church, although they are not uncommon in England and among Irish Protestants—would be allowed. The feelings of the Catholic Church in Ireland—and they would be represented naturally by the Catholic Members of the Irish Parliament—would, I think,

put an end to any such marriages in that country; and I do not know even if the issue of the marriage of a divorced person in England would be allowed to succeed to property in Ireland, because the whole idea of marriage of divorced persons is utterly repugnant to the Catholic mind, and that opinion, I fancy, is universally shared by all the Catholic people of Ireland. I have not done yet. Civil marriages are undoubtedly the law of the United Kingdom. Would they be allowed to be carried on in Ireland if this Bill were to pass? Again, I imagine nothing could be more repugnant to the views of the Catholic Church, and it is easy to sympathise with the view that a marriage not sanctioned by the rites of the Church is not a marriage at all, and the children must be illegitimate and under the ban of the Church. To many of the Protestants of Ireland civil marriages are not repugnant, and I do not know whether you are prepared to allow them to have their right of civil marriage taken away from them, although the Catholic majority may have a very justifiable objection to it. The last marriage I come to is the mixed marriage—that is to say, a marriage between a Roman Catholic and Protestant—which has been, I should say for the last 50 years, desperately opposed by the Church of Rome, and so strongly opposed that its opposition must have an effect upon the Legislature which, though it need not be bigoted, will very likely on all these matters follow the advice of the leaders of the Church. Would it be fair, and do you think the arrangement would work all over Ireland under the different circumstances of the population in various parts? The marriages of Protestant members of the Constabulary with the daughters of Catholic farmers are regular and constant. There are also, it must be, in Ulster many occasions when Protestants of position are inclined to make marriages with Catholics of family. I rather think that these marriages would not be allowed in Ireland in the future, owing to the hostility of the Catholic Church. I wish the Committee to understand that I do not blame the Irish for having these opinions. I believe they are conscientious opinions; but ought you not, in the interest of the minority, to recollect that their opinions

are equally conscientious, and are equally to be respected, and would they be as secure as they are now under the protection of the British Parliament? I pass from these marriages in Ireland to other considerations. The Prime Minister mentioned that there was little uniformity of marriage among the English-speaking race in various quarters of the world. I know, as far as America is concerned, that the customs are extraordinary and productive of the greatest inconvenience. An acquaintance of mine married an American lady, and married, apparently, under the American law and the English law. They were married in France before the English Ambassador and the American Minister in Paris. Shortly after they were married a proposition was supported by the great American lawyer, Mr. Benjamin, that the marriage would not be valid in the United States in regard to the succession in property, and they had to be married again before the English Registrar before the marriage would be valid to the extent that property in the United States could be succeeded to. I turn to Canada, in which I think the right hon. Gentleman has been misinformed. There was no power, so far as I read the Act of 1867, which came into operation in 1868, whatever, given to the Provincial Legislatures to interfere with the uniformity of marriage throughout the Dominion.

MR. W. E. GLADSTONE: Regulating the solemnisation of marriages.

LORD R. CHURCHILL: If the right hon. Gentleman will permit me, I will submit to him an argument on that question. There can be no doubt that, in the clause which appoints to the Dominion Parliament the subjects with which the Provincial Parliaments cannot interfere, you will find among them marriage and divorce. That is the law. I, of course, saw, and I noticed in the clause which delegates the power to the Provincial Legislatures, Article 12 gives the right of solemnisation of marriage in the Provinces. I appeal to the right hon. Gentleman whether it is not the case, that the solemnisation of marriage is not by any means connected with the Laws of Marriage and Divorce? The solemn-

nisation of marriage I take it to be the rites of marriage according to the religion of the parties contracting the marriage in Canada. There are, undoubtedly, in Canada Roman Catholics and Protestants of every sect; and, undoubtedly, if they married in accordance with the Marriage Laws and the Divorce Law established by the Dominion Parliament that marriage would be valid. But my contention is this: that the law regulating marriage and divorce could not be altered except by the consent of the Dominion Parliament, and that the Dominion Parliament reserved that power in order to secure the uniformity of law throughout the Dominion of Canada. There is one very striking and startling illustration of the inconvenience arising from the want of uniformity between the Colonies and this country in the Marriage Law. In the Colonies they have agreed, with the sanction of the Crown — though it was withheld for some time — to a marriage between a man and his deceased wife's sister. The consequence is this: that a man often makes his fortune in Australia and returns to England having, perfectly legally, under the law of the Colonies, contracted a marriage with his deceased wife's sister. His property in Australia, whatever it is, will pass to the children of that marriage. His property in England, whatever it is, does not pass to the children of that marriage, and this extraordinary confusion arises — that the children born under the Colonial law and who are perfectly legitimate, when they come to England have to abandon their rights in this country and are bastards. I will not detain the Committee further. I only claim modestly to have laid before the right hon. Gentleman certain arguments which are worthy of his consideration, and I think it cannot detract from the dignity, or honour, or reputation of the Irish Parliament if these matters are withheld from them. It is not their fault that they are a Catholic majority, or that there is in Ireland a strong Protestant minority, and I would press upon the right hon. Gentleman—even if he cannot this evening—if he would still reserve the subject for further consideration, and if he would guard against certain dangers which, though not acute now, might become pretty acute, and

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might lead to a great deal of dissatisfaction and friction between the various churches and religions in Ireland.

Question put.

The Committee divided:—Ayes 236; Noes 270.—(Division List, No. 133.)

***MR. GERALD BALFOUR** (Leeds, Central) said, he had an Amendment on the Paper which read—

Clause 3, page 2, line 16, after Sub-section (10) insert "(11) Census and statistics."

The words of the Amendment as it stood on the Paper were taken from the British North America Act, which gave exclusive power to the Dominion Parliament to deal with census and statistics and withheld these matters from the competence of the Provincial Legislatures. He did not intend to deal with "statistics," however, leaving that branch of the subject to be dealt with subsequently by the hon. Member for the Lowestoft Division of Suffolk (Mr. Harry S. Foster). He took this course because it appeared to him that the two portions of the Amendment possessed different degrees of cogency, and that the case of the census was so overwhelming that he could hardly believe it to have been omitted from the list of disabilities in the clause except by inadvertence. In Canada questions connected with the census were withdrawn from the cognisance of the Provincial Legislatures, and a similar arrangement prevailed in the United States. The convenience of such a course was obvious. It was desirable that the census of these islands should be taken at the same time and, as far as possible, by similar methods; and in any Federal or *quasi*-Federal system like that under the Bill, it appeared to him that to reserve the census to the control of the Central Authority was a matter of vital and essential necessity, especially in view of the discussions connected with population and representation and the financial relations of this country with Ireland. He moved to insert the word "Census." He hoped the Government would be prepared to accept the Amendment, and so spare the Committee the trouble of a Division.

Amendment proposed,

In page 2, line 16, to insert, as a new sub-section :—“(11.) Census.”—(*Mr. Gerald Balfour.*)

Question proposed, “That those words be there inserted.”

THE CHIEF SECRETARY FOR IRELAND (*Mr. J. MORLEY*, Newcastle-upon-Tyne) : The hon. Gentleman who has moved this Amendment has brought forward considerations which are, no doubt, reasonable and important. It is no doubt desirable, so long as the Irish Members are at Westminster—so long as the Imperial Parliament continued to be concerned in a number of questions and decisions depending on statistical information as to population and wealth—it is desirable there should be a power of Imperial census. The hon. Member, however, must not forget that there is nothing in the Bill to debar the Imperial Parliament from directing a census of that kind. But the reason why the Government cannot accept the Amendment is this : that it is quite possible the Irish Government may desire to take a census of their own for some special purpose, and with reference to some special object or set of objects which concern them and them only, and not the United Kingdom.

MR. GERALD BALFOUR : Why cannot they use the Imperial census ?

MR. J. MORLEY : They might for some special purpose of their own desire a classification of their own which they might think desirable, or one which the Imperial Parliament, from their point of view, might not think desirable ; and taken at intervals which they might deem convenient or expedient. At the same time, the Government's rejection of the Amendment did not in the least impair their full sense of the importance of having census arrangements applicable to the whole of the United Kingdom.

MR. A. J. BALFOUR said, in regard to the answer of the right hon. Gentleman, they should know whether the Government had in view the machinery that would be required to

carry out the objects which they thought desirable objects—namely, drawing up for Imperial purposes general statistics in conformity with those which were collected in this country and in Scotland. His hon. Friend did not want to go to a Division, but they should know exactly what the Government proposed to do.

MR. J. CHAMBERLAIN (*Birmingham, W.*) said, he did not wish to do more than put a question to the Chief Secretary for Ireland—namely, whether he had considered that it was very desirable, from his own point of view, that this subject, on which the Imperial Parliament must legislate, should be excluded from the control of the Irish Parliament ? If this were not done, there would be concurrent jurisdiction and legislation, with consequent irritation, between the two countries.

MR. J. MORLEY : I thought I had indicated sufficiently that, in the view of the Government, it would remain important that the Imperial Parliament should have the means of ascertaining the large general facts, important to the United Kingdom, which the census ascertain and disclose. When the time comes the Government will be prepared to state what the machinery is for carrying out those objects. As to concurrent legislation, I do not believe the chance of friction in this matter is at all likely to arise. I quite feel how embarrassment may arise. The Imperial Parliament will have machinery of its own, and possibly officers of its own, to ascertain those facts, but possibly not.

THE FIRST LORD OF THE TREASURY (*Mr. W. E. GLADSTONE*, Edinburgh, Midlothian) : Hear, hear.

MR. J. MORLEY : I should say, probably not. We shall probably have the benefit of the assistance of the Irish Executive officers for discovering the facts of population, and so forth. I think the right hon. Gentleman will appreciate my argument.

MR. J. CHAMBERLAIN said, he took it that when they spoke of census

at all they meant the same thing—the National census, which the Government agreed was an Imperial matter to be conducted by the Imperial Parliament. He would suggest, therefore, that the census should be excluded from the subjects within the purview of the Irish Parliament, or that the Government should introduce a proviso simply authorising the Irish Parliament to collect statistics for its own purposes only.

MR. GERALD BALFOUR said, he would suggest that the word “decennial” might be added to the Amendment. That would clearly reserve to the Imperial Parliament the taking of the census for Imperial purposes, whilst it would not prevent the Irish Legislature from collecting statistics for its own purposes. If the Chief Secretary recognised the force of his contention, he would move accordingly.

MR. J. MORLEY : The Government cannot accept the suggestion. Many persons differ on the question of a decennial census, and desire that the census should be quinquennial.

MR. A. J. BALFOUR said, as there seemed to be no difference of opinion on the main points—that the Irish Legislature should not legislate in regard to the Imperial census, but might collect statistics for their own local purposes—it would be strange if they could not arrive at a unanimous conclusion. The Government said the Irish Legislature should have power to collect statistics for its own purposes. They agreed to that. But they wanted to secure that there would be no interference with the work of the Imperial Census.

MR. J. MORLEY : We cannot agree to “decennial census,” because the census may become quinquennial ; but, surely, no Chancellor of the Exchequer would propose that, for the census was a costly affair, and it was unlikely that there would be a departure from the present 10 years to a period of five.

MR. A. J. BALFOUR : But could they not introduce words to meet the Chief Secretary's own view ?

Mr. J. Chamberlain

He thought the Committee might do so if the Government would give their assistance in the matter. Otherwise it would be necessary to go to a Division. He would suggest that the words “Census of the United Kingdom” would produce harmony and peace.

MR. J. MORLEY said, he did not think there was any want of harmony and peace. The words suggested by the right hon. Gentleman added nothing to the meaning, and were not needed for the object he had in view.

Question put.

The Committee divided :—Ayes 231 ; Noes 264.—(Division List, No. 134.)

MR. HARRY FOSTER (Suffolk, Lowestoft) said, he wished to move an Amendment which was not on the Paper—namely, to add to the excepted subjects the collection of

“Statistics bearing upon subjects excepted from the legislative control of the Irish Legislature or upon the financial relations between Great Britain and Ireland.”

It would not be necessary to take up much time in recommending the Amendment, as the Chief Secretary for Ireland had already admitted a large part of the argument he (Mr. Foster) had to address to the Committee. It was admitted that there would be many subjects requiring statistical information, which statistical information ought to be collected by the Imperial Parliament. He had noticed in the course of these discussions that whenever a suggestion was made to reserve something to the Imperial Parliament, the suggestion was treated as if the Irish Representatives were to be excluded from that Parliament ; but, as a matter of fact, under the Bill the Imperial Parliament would retain as large a representation of Ireland as either England, Scotland, or Wales. Therefore, in suggesting that certain subjects should be reserved to the Imperial Parliament, hon. Members were by no means suggesting that those subjects should be withdrawn from the consideration of the Irish people. There were a number of subjects which the Irish Legislature was to be restrained from legislating upon, and as to which it should be admitted by

the Government that statistics ought not to be prepared by one party to the suit, so to speak. Obviously they should be prepared by the Imperial Parliament. Perhaps the most important statistics would be those bearing upon the financial relations of the two countries. Those should be kept from the Irish Legislature, as also should statistics bearing upon Customs, external trade, and navigation, and the other matters excluded from the control of the Irish Parliament. By Clause 12 of the Bill it was provided that there should be a re-consideration of the financial relations, and for the purposes of that re-consideration statistics would have to be prepared. He did not suggest that they should be prepared by England or Ireland alone, but by the Imperial Parliament where both Parties would be represented. The objection the right hon. Gentleman the Chief Secretary had to urge against the last Amendment he could not urge against the present, because it was not an Irish matter. It was a matter concerning the relations between the two countries, and the Committee would observe that he had expressly limited the form of his Amendment. The British North America Act had excepted from the Provincial Legislatures census and statistics. He had thought the word "statistics" too large a one as it would be applied in the present Bill, and, therefore, by the form of his Amendment, he reserved the statistics which should be under the control of the Imperial Parliament as bearing on matters on which the Irish Parliament was not to be allowed to legislate.

Amendment proposed,

In page 2, line 16, to insert, as a new subsection:—“(11) Statistics bearing upon subjects excepted from the legislative control of the Irish Legislature, or upon the financial relations between Great Britain and Ireland.”—(*Mr. Harry Foster.*)

Question proposed, “That those words be there inserted.”

MR. J. MORLEY: The hon. Member who moves this Amendment hopes I shall not urge against it the same kind of objection I urged against the previous Amendment. I must say I have no other objections to urge against this

Amendment. The hon. Member has put forward no better arguments in favour of excepting statistics than the hon. Member for Leeds did for excluding the census. The Committee has decided that the census, which contains a summary of perhaps the most important of all statistics, should not be excluded from the purview of the Irish Legislature, and I cannot conceive on what possible ground we could exclude other statistics. I have no more to say than that the Government must oppose the Amendment.

MR. A. J. BALFOUR: Is it proposed that the Irish Legislature should be allowed to collect its own statistics, even in those matters that may become the subject of controversy between Ireland and the rest of the United Kingdom?

MR. J. MORLEY: I would reply as I did to the last Amendment. This proposal would be deprivative, and without it there would be nothing to prevent the Imperial Parliament from obtaining statistics.

MR. A. J. BALFOUR: I do not suppose the hon. Member who has moved the Amendment would gain anything by continuing the controversy. The Committee—not by a very large majority, it is true—has given a decision on a similar proposal, and it would perhaps be well to accept that.

MR. HARRY FOSTER: In view of the advice tendered to me by the Leader of the Opposition, I would ask leave to withdraw the Amendment. [“No, no!”]

Question put.

The Committee divided:—Ayes 211; Noes 248.—(Division List, No. 135.)

It being after Midnight, the Chairman left the Chair to make his report to the House. Committee report Progress; to sit again To-morrow.

EARLY CLOSING BILL.—(No. 357.)

SECOND READING.

Order for Second Reading read.

***SIR J. LUBBOCK** (London University) moved the Second Reading of this Bill, stating that he was willing to

refer it to a Select Committee, and to allow counsel to be heard with regard to it.

MR. P. M'HUGH (Leitrim, N.) : I object.

MR. J. BARRY (Wexford, S.) : I appeal to my hon. Friend to withdraw his objection. This is in no sense a Party Bill.

MR. P. M'HUGH : As long as the right hon. Gentleman in charge of this Bill continues to support the obstruction of the Home Rule Bill I shall object.

MR. FIELD (Dublin, St. Patrick's) : I would appeal to my hon. Friend to withdraw his objection, because of the great necessity there is for this Bill in all parts of the country.

*SIR F. POWELL (Wigan) : Mr. Speaker, is it in accordance with the Rules of the House that when an hon. Member rises to oppose a Bill he should state that he does so because the Member in charge of it is opposing another measure.

*MR. SPEAKER : The hon. Member may have his motive, but he need not state it.

Second Reading deferred till Monday next.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 1) BILL.—(No. 362.)

Lords Amendment agreed to.

OYSTER AND MUSSEL FISHERY PROVISIONAL ORDER CONFIRMATION BILL [*Lords*].—(No. 362.)

Read the third time, and passed, without Amendment.

ELECTRIC POWERS (PROTECTIVE CLAUSES) (JOINT COMMITTEE).

Ordered, That the Committee have leave to hear parties interested, by themselves, their Counsel, Agents, and Witnesses, if they think fit.—(*Mr. Forwood.*)

Sir J. Lubbock

MESSAGE FROM THE LORDS.

That they have agreed to,—Treasury Chest Fund Bill, Commons Regulation Provisional Order [West Tilbury] Bill, without Amendment.

EMPLOYERS' LIABILITY [PAYMENTS].

Resolution reported ;

"That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of compensation for injuries to workmen in the employment of the Crown which may become payable under the provisions of any Act of the present Session relating to the Liability of Employers for injuries to their workmen."

Resolution agreed to.

SALE OF GOODS BILL [*Lords*].—(No. 8.)

Read a second time, and committed for To-morrow.

FRIENDLY SOCIETIES' ACT (1875)

AMENDMENT BILL.—(No. 381.)

As amended, considered ; read the third time, and passed.

SHOP HOURS ACT (1892) AMENDMENT (No. 2) BILL.—(No. 333.)

Read a second time, and committed for To-morrow.

PROVISIONAL ORDER BILLS.

(STANDING ORDER APPLICABLE THERE-TO COMPLIED WITH.)

MR. SPEAKER laid upon the Table Report from one of the Examiners of Petitions for Private Bills, That, in the case of the following Bill, referred on the First Reading thereof, the Standing Order which is applicable thereto has been complied with, namely :—Electric Lighting Provisional Order (No. 7) Bill.

Ordered, That the Bill be read a second time To-morrow.

PROVISIONAL ORDER BILLS.

(NO STANDING ORDERS APPLICABLE.)

MR. SPEAKER laid upon the Table Report from one of the Examiners of Petitions for Private Bills, That, in the case of the following Bill, referred on the First Reading thereof, no Standing Orders are applicable, namely :—Local Government (Ireland) Provisional Order (No. 8) Bill.

Ordered, That the Bill be read a second time To-morrow.

House adjourned at twenty minutes after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, 13th June 1893.

RIVERS POLLUTION PREVENTION
(No. 2) BILL [H.L.].

BILL PRESENTED. FIRST READING.

Viscount CROSS called attention to the provisions of the Rivers Pollution Prevention Act, 1876; and presented a Bill. He said: My Lords, it is not my intention to take up much of your Lordships' time in referring to the Rivers Pollution Prevention Act passed in 1876. Probably at that time a stronger Act could not have been passed, but experience has shown that there are very great difficulties in the working of that Act, and that not nearly so much has been done under it as ought to have been done. The County Council of Lancashire, finding that it was impossible to work the Act effectively, last year obtained a Private Act for the more effectual prevention of the pollution of the Mersey and Irwell and their tributaries. Much good has resulted from that Act, which simplifies the procedure, especially with regard to solid and liquid sewage, and prevents unnecessary delay in giving certain notices, and also enables time for the execution of works to be granted, which could not be done under the Act of 1876. With regard to liquid and manufacturing pollution, a great improvement has been made by the substitution of a Court of Summary Jurisdiction for the County Court. I think it due to the Lancashire County Council to say that they are deserving of all honour for having brought in this Private Act, and, as I am desirous that the whole country should have the benefit of that Private Act, I now beg to present a Bill which is drawn on precisely the same lines, but with some small alterations, for which I ask a First Reading.

Bill to make more effectual provision for the prevention of the pollution of rivers and streams—Presented (The Viscount Cross).

*LORD THRING said, that the County Councils' Association were very grateful to the noble Viscount for having intro-

duced this Bill. The necessity for a change in the law, seeing the foul condition of many of our rivers, especially in the North, was clearly shown by the fact that the Lancashire County Council had gone to the expense of obtaining their Private Act. The County Councils' Association had also considered the clauses of the Bill which was now introduced; it was approved by the Local Government Board, and as there could be no doubt of the urgent necessity for such a measure, he hoped their Lordships would unanimously support it.

*LORD NORTON also expressed gratitude to the noble Viscount for having taken up the subject. The Warwickshire County Council was most anxious for the provisions of this Bill. He could speak with considerable experience in these matters, having had no less than 30 years of litigation with the Municipal Authorities of Birmingham in reference to the pollution of a river. Only last week the other House threw out a Bill proposing to pollute the Avon from the City of Coventry. Though the Local Government Act of 1888 empowered County Councils to enforce the Rivers Pollution Act of 1876, it was found that the powers under the latter were so restricted as to render it impossible to carry out the object. It was necessary that several districts through which a river ran should have the power of forming joint committees to carry out anything like effective proceedings in these matters, and that the jurisdiction should be made summary, with appeal to Quarter Sessions for proceeding under the Act of 1876, instead of as at present—in the County Court. Such powers had been found to work well under the Mersey and Irwell Private Act, and ought to be extended by a Public Act to the whole of England; and should the Bill pass, the Warwickshire County Council would certainly at once begin to act under it, and no doubt other County Councils throughout the Kingdom would be equally glad to take advantage of it. He implored the noble Viscount, therefore, to press the Bill on without delay, that the measure might be passed through Parliament this Session.

Bill read 1^a; to be printed. (No. 146.)

2 P

INDIAN CIVIL SERVICE EXAMINATIONS.

VISCOUNT CROSS asked the Secretary of State for India whether the following was a correct report of the answer given in the House of Commons on Thursday last by the Prime Minister to a question as to the Resolution of that House on the subject of Civil Service Examinations in India:—

"The Government have determined that the Resolution of the House should be referred to the Government of India without delay, and that there should be a prompt and careful examination of the subject by that Government, who are instructed to say in what mode, in their opinion, and under what conditions and limitations the Resolution could be carried into effect."

And asked, further, whether the terms of this answer left perfect freedom to the Government of India to express entire disapproval of the course of action recommended by that Resolution, or whether they were intended to restrict the Government of India to giving an opinion as to the best way of carrying such Resolution into effect? He said: Your Lordships may be aware that this matter was brought forward on Friday in the other House of Parliament, and that there was a Resolution then proposed that the Civil Service Examinations should take place in India as well as in this country. That is a matter which has not been mooted this year for the first time. It is a matter on which the Government of India have always had a very strong opinion against, and which I believe the Indian Council have always strongly opposed. The subject is a most important one, and Her Majesty's Government have, I think, very wisely taken the same view as the Indian Government and the Indian Council, and as I myself entertained when I was at the India Office, and they most strongly oppose the Resolution. Unfortunately, the matter had been brought forward on a Friday, when the House of Commons was weary with the discussion of a most important Bill, and in a very thin House the Resolution had been passed by a majority of eight. The Prime Minister was subsequently asked what course of action the Government meant to take upon that Resolution, and, as I am informed, the Prime Minister asked for time to consider the matter, and did answer the question until Thursday last. He should

have thought that, as the Government had strongly opposed the Resolution, they would have said that, as it had been passed in a thin House, and after a very short discussion, it would be impossible to treat the Resolution as the deliberate opinion of the House of Commons, and that they would take a further opportunity of asking the opinion of that Assembly on another occasion before they took any action in the matter. The Prime Minister, however, if he has been correctly reported, gave the answer which is embodied in my question, and the meaning of it I confess I fail to understand, but it would appear from it that the Government of India would be fettered in their discretion. My first question to the noble Earl is whether that is a correct report of what the Prime Minister stated in the House of Commons? because if it is correct I think it is very difficult to understand. I should have thought the Government would have sent out the strongest Despatch possible, saying their opinion was perfectly unchanged in spite of that Resolution. The Indian Government are instructed to say not whether they object to or it not, or whether they think it will or not do great injury to the Civil Service in India if it were carried out, but in what mode it should, in their opinion, be carried into effect. The question I wish to ask is whether this intended to leave entire freedom to the Government of India to act in the matter, or whether they are simply restricted to giving an opinion in carrying the Resolution into effect? This matter is of pressing importance, because we must read the answer of the Prime Minister as expressing the views of the Government, and, therefore, as embodying in short terms the Despatch which the noble Earl the Secretary of State will send out to India. It is just as well we should know what that Despatch is to contain, and whether it is to be expressed in such clear and unmistakable language that the Government of India may state their opinion on the entire un wisdom of the Resolution, and not merely be confined to stating their views as to the best way of carrying it into effect.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of KIMBERLEY): My Lords, the first

question which is asked of me I will answer at once. The words quoted as Mr. Gladstone's answer are correct. The noble Viscount seems to think that the Government should have at once taken steps to rescind the Resolution. The Government, however, did not think that was the most satisfactory method of dealing with the subject. As the noble Viscount is aware, it has been a subject of great controversy for some time, and, in view of what has taken place in the House of Commons, it was thought more desirable that the matter should be referred to the Government of India so that it might be considered in all its bearings. It is true that the question was under the consideration of a Commission not very long ago; but, having regard to the Resolution of the House of Commons, the Government are of opinion that it might be well now to re-consider the whole subject. It is certainly not the intention of the Government to fetter by the words used in this answer the discretion of the Government of India in any way. What we desire is that the Government of India should not reply by a simple negative, but that they should examine into the whole subject, and see by what mode the Resolution could be carried into effect. It will be open to the Government of India to say that they think the means suggested objectionable, or that they are not able to find any way of carrying out the Resolution, or they may say that there is a way of doing it, but that the method proposed would be most objectionable. I do not see the obscurity to which the noble Viscount refers. They are asked whether there is any mode of carrying it into effect, and under what conditions and limitations that can be done? and it is clear they are at liberty to give us an answer as to what they think best; but we do not intend to indicate to them that they are merely to re-echo what has taken place in the House of Commons. We want from them a statement of their views upon the question in order that the question may be re-considered, and a final determination come to in the matter.

*THE MARQUESS OF SALISBURY: I am glad that my noble Friend has thought it wise to bring this matter before the House. As I understand the noble

Earl, the discretion of the Government of India is not to be fettered in the slightest degree. I differ from him, of course, on the question of the interpretation of the English used; and I am bound to say that if that is the Resolution of the Government, which I am exceedingly glad to hear, the Prime Minister was exceedingly unfortunate in the choice of the words he used, for the words he used distinctly implied that though the method of carrying the Resolution into effect was left to the Government of India, the Government of India were pressed and urged to find some mode by which that Resolution could be carried out. I wish to say a word upon the Constitutional aspect of the question. It seems to me to be a growing practice—a most unfortunate and objectionable practice—that the House of Commons, usually by Resolutions passed by small Houses on a Friday night, should undertake to guide the hand of the Executive Government in special questions, often on questions which do not come under the review of the House of Commons, and on which the House of Commons has not the necessary information to enable it to judge. I apprehend that the Constitutional doctrine is this: The House of Commons has the absolute right of selecting the group of statesmen from whom an Executive is chosen; and it has the absolute right of dismissing those statesmen from Office when it ceases to trust them; but it has not the right to take the management and conduct of the Executive into its own hands. The Executive Government so selected has, according to our Constitution, the right and the duty of discharging the offices of the Executive and the Prerogatives of the Crown, and it is not the duty of Ministers of the Crown simply to accept a Resolution of the House of Commons on a matter of Executive discretion, as though that concluded the question, and no further discussion was to be permitted. I think it is the more important to consider this matter carefully, because these decisions do not give us really the value and the strength which undoubtedly attach to any Resolution of the House of Commons to which the mind of the whole Body is directed. These Resolutions are brought forward usually by private Members; they are passed on a Friday night, when

there is a very inadequate attendance of Members. They very often represent the opinion of some limited but intense school of fanatics. Every fanatic attends; but the Members of the House of Commons who are not subject to delusions on the matter, and for that reason, perhaps, are not the subjects of enthusiasm, and very often stay away or take no notice of the matter. The result is, that though we have formally a Vote of the House of Commons, we have not the matured decision of that Body. When it is merely an expression of opinion, of course no harm is done; but if the Executive Government are going to say that in the management of foreign affairs, of the Colonies, or of the Government of India, and other matters requiring the very deepest knowledge, and involving information which is not present to the Members of the House of Commons or to the public, a Resolution of this kind is to guide them in their Executive action, we shall fall into great confusion, and great errors will be committed. I earnestly press this on the attention of the Government, though I hope it will not be thought that I have taken a too exclusively Governmental view of the matter, or that I am more anxious for the Government than the Government themselves. But I do entreat them to remember that they are the depositaries while in Office of the Prerogatives of the Crown, and that it is not their business to listen to anyone else in the discharge of those Prerogatives. There is another aspect of the matter on which I desire to say a word. There is a Body presided over by my noble Friend opposite, which will have to do with this matter in which money expenditure will be involved, and whose consent is absolutely necessary to this project. If they refuse that consent, there is no authority short of an Act of Parliament which can force that consent from them. I earnestly hope that the Council of India in a matter of such importance will be true to the trust which Parliament has reposed in them, and that they will decline to revolutionise the Government of India without being convinced in their own minds that the steps they are taking are correct. For myself I cannot imagine any project more fatal to our Oriental Empire than that which received the sanction of the House of

Commons on Friday night in a small House. It is very doubtful—more than doubtful—whether we ought to give to that extent the Government of India entirely to those subjects of the Queen who are born in India; but it is infinitely more pernicious to give it to men who are selected for the purpose merely by literary examination. Literary examination has been adopted in this country not because it is a thing of great value in itself, but because it relieves us from other and more serious embarrassments and dangers, and we have found it to work tolerably well. But the idea of governing a country in the condition in which India is, with the populations of which India consists, with the state of public opinion and religious divisions there, by men who have no other title except success in a literary examination, is one of the wildest dreams that ever entered into the heads of the politicians of Laputa. I earnestly hope that in this—which is a matter of deep importance, of very serious gravity—the Government will pursue their own views, which, I have no doubt are right, in the matter, and will not allow themselves to be bent aside from them by an expression of opinion like that contained in the Resolution or by any considerations of passing convenience.

*THE EARL OF NORTHBROOK said, that doubtless to choose the principal Executive officers of India by competitive examinations of a literary kind at an early age would, as the noble Marquess had pointed out, be fraught with extreme danger to the prosperity of that country. He would add that there was no obstacle placed by legislation at the present time in the way of natives of India of experience and ability known to be qualified for the discharge of Executive duties being selected to fill appointments under the Government of India or the Governments of the Presidencies. He could not agree with the course which the Government had adopted in this matter; and he asked whether, judging from previous utterances of the Government, this most important question for the Government of India dealt with by the Resolution of the House of Commons was to be considered an open one? The other night a discussion took place in that House upon Indian affairs in which the noble Earl said he

agreed with one view, but that other Members of the Cabinet took another.

THE EARL OF KIMBERLEY : What I said was that the Secretary for India had not been able to persuade particular Members to take a particular view.

THE EARL OF NORTHBROOK had understood the noble Earl to express inability to act in accordance with his own opinions.

THE EARL OF KIMBERLEY : In common with every one of my Predecessors.

***THE EARL OF NORTHBROOK** would have thought, from the noble Earl's position in the Cabinet, he would have been able to obtain justice for India where he thought justice had not been done. If any ordinary pains had been taken by the Whips of the Government in the House of Commons to secure the attendance of Members to vote against the Resolution, it would not have been adopted. He had examined the Division List, and he asserted that if only the absentees who were Members of the Government had been brought down to the House the Resolution would have been defeated. No Cabinet Minister spoke against the Motion, and, indeed, there was no serious attempt made by the Government to resist the Motion, except the able speech of the Under Secretary. If the result of this unfortunate absorption of the whole time of the House of Commons by the Home Rule Question was to cause important questions connected with other parts of the Empire to be treated with neglect by the Government, and to be treated as open questions, he feared that some great disaster would be the result.

***THE DUKE OF ARGYLL** said, he could hardly add anything to the very weighty observations which had been made by the noble Marquess, and he agreed with every word which had fallen from his noble Friend. This question, however, was not a new one. It had been brought forward 20 years ago, when he was at the India Office, as a nostrum adopted by a certain class of persons in the country. He held that the explanation given by the noble Marquess of the cause which led to the adoption of admission by examination into the Civil Service of India was exactly true. It was to avoid the evils of patronage. The existing plan seemed to him to be

the best they could devise, because in Englishmen, Irishmen, and Scotchmen they had those manly qualities by which their Imperial power had been established, and by which alone it could be maintained. As regarded competition among the natives of India, that was a very different thing from competition among Europeans. He had never consulted any man who knew anything about India who did not admit that in a mere question of literary examination the Bengalees would carry everything before them. But the Baboos, with their literary accomplishments, were not the men who could possibly govern the Northern races of India. Those races, with their military prowess, would not submit to be ruled by these Baboos. He could conceive nothing more fatal than the system suggested for India. He did not doubt for a moment that these were the opinions—substantially the opinions—of his noble Friend opposite (the Earl of Kimberley); and he thought that his noble Friend behind him (Viscount Cross) had done a public service in eliciting the answer which had been given, because the words as they stood and as they had been used by Mr. Gladstone, in his reply in the House of Commons, were open to misconception. His noble Friend opposite would not suspect that he would wish to say anything embarrassing to the Government at home, or to the India Office. His opinion always had been that the less they interfered with the Department the better. It was very well manned, and if the various Bodies which had to do with the government of India were not able to deal with this question it would be a bad day for the Empire. It seemed to him to be absolutely impossible to trust the government of India to natives who might be first in a literary competitive examination, considering the enormous powers, both judicial and executive, that were wielded by Indian officials. He was sure these were the opinions of the Government themselves, and he could not understand why they did not act upon them; but he was afraid it was due to the unfortunate weakness of their political position. This was no Party question. There was no Party in this country who wished to interfere with the government of India, but there were small sections of men who had particular fads and nostrums; and if they

found the Government unwilling or unable to refuse them or to make opposition to any faction in the House of Commons there would be a premium given to these constant interferences with the Government of India. He entreated his noble Friend to resist these continual interferences. There would be no end to the trouble unless the Government were firm. The only practical conclusion he could come to in the matter was to entreat the noble Earl in the wording of his Despatch to make it perfectly clear that the Government of India were invited to give their attention to the whole subject, to consider it in all its bearings, and to give their full opinion whether it was or was not possible to give the government of that country over to natives who would shine in nothing except literary examination.

THE IRISH MAIL SERVICE.

QUESTION. OBSERVATIONS.

THE EARL OF ARRAN asked Her Majesty's Government whether they could state how soon the cross Channel mails and passengers *via* Holyhead and Kingstown for the West of Ireland would be conveyed through from Kingstown to the Broadstone Terminus of the Midland and Great Western Railway of Ireland, over the loop line, instead of going, as at present, from Westland Row by van and car? He said, the line had now been finished for some time by which through communication was given to the three great Trunk Lines of Ireland. In the case of the Northern and Southern Lines it was actually in operation, and passengers were at once sent on by the loop line. But with regard to the Broadstone Terminus, although the line had been surveyed, the mails and passengers were still turned out at Westland Row, and obliged to go across Dublin by van or car. There seemed to be no reason for it, and the distance by the loop line was something under a mile. For passengers to have to turn out at 6 o'clock in the morning, especially in the middle of winter, was by no means agreeable.

LORD PLAYFAIR: I am unable to answer as to the passengers; but Her Majesty's Government are of opinion that the road service for mails between Westland Row and Broadstone Terminus is more expeditious than a rail service by the loop line referred to would be,

The Duke of Argyll

and they are, therefore, taking no steps in the matter.

OFFICIAL LIQUIDATORS (IRELAND)

BILL.—(No. 43.)

BILL WITHDRAWN.

LORD ACTON begged, with the permission of the House, to withdraw this Bill, which had been for some time before the House.

Bill (by leave of the House) withdrawn.

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 1) BILL.

Returned from the Commons with the Amendments agreed to.

LONDON OPEN SPACES BILL.

Returned from the Commons with the Amendments agreed to.

NORTH SEA FISHERIES BILL.—(No. 110.)

Reported from the Standing Committee without Amendment; and to be read 3^a on Thursday next.

PARLIAMENTARY DEBATES.

Message to the House of Commons for copy of the Report, &c., of the Select Committee.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDERS (No. 2) BILL.

(No. 71.)

Read 2^a (according to order), and committed to a Committee of the Whole House on Friday next.

HOUSING OF THE WORKING CLASSES (EDINBURGH) PROVISIONAL ORDER BILL.—(No. 125.)

Read 2^a (according to order), and committed to a Committee of the Whole House on Friday next.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 5) BILL.

(No. 127.)

Read 2^a (according to order), and committed to a Committee of the Whole House on Friday next.

LOCAL GOVERNMENT PROVISIONAL ORDER BILL.

House in Committee (according to order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Thursday next.

LOCAL GOVERNMENT PROVISIONAL ORDER (No. 3) BILL.—(No. 72.)

House in Committee (according to order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Thursday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 4) BILL.

House in Committee (according to order): Amendments made: Standing Committee negatived: The Report of Amendments to be received on Thursday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 5) BILL.—(No. 78.)

House in Committee (according to order): Amendments made: Standing Committee negatived: The Report of Amendments to be received on Thursday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 9) BILL.

House in Committee (according to order): Amendments made: Standing Committee negatived: The Report of Amendments to be received on Thursday next.

LOCAL GOVERNMENT PROVISIONAL ORDER (HOUSING OF WORKING CLASSES) BILL.—(No. 114.)

House in Committee (according to order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Thursday next.

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 4) BILL.—(No. 124.)

House in Committee (according to order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Thursday next.

PIER AND HARBOUR PROVISIONAL ORDERS (No. 4.) BILL.—(No. 129.)

House in Committee (according to order): Amendments made: Standing Committee negatived: The Report of Amendments to be received on Thursday next.

RAILWAY RATES AND CHARGES PROVISIONAL ORDER (CRANBROOK AND PADDOCK WOOD RAILWAY, &c.) BILL. (No. 130.)

House in Committee (according to order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Thursday next.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 5) BILL [H.L.].—(No. 89.)

Amendments reported (according to order), and Bill to be read 3^a on Thursday next.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 6) BILL [H.L.].—(No. 90.)

Read 3^a (according to order), and passed, and sent to the Commons.

WEIGHTS AND MEASURES BILL. (No. 112.)

House in Committee (according to order): Bill reported without Amendment; and re-committed to the Standing Committee.

SEAL FISHERY (NORTH PACIFIC) BILL [H.L.].—(No. 132.)

Read 3^a (according to order), and passed, and sent to the Commons.

FRIENDLY SOCIETIES ACT (1875) AMENDMENT BILL.

Brought from the Commons; read 1^a; and to be printed. (No. 147.)

COMMITTEE OF SELECTION FOR THE STANDING COMMITTEE.

Report from—

"That the Committee have added the Viscount Powerscourt, The Lord Wemyss (E. Wemyss), The Lord Plunket, The Lord Chaworth (E. Meath), and The Lord Montague of Brandon to the Committee for the consideration of the Sale of Intoxicating Liquors (Ireland) Bill [H.L.]"

Read, and ordered to lie on the Table.

House adjourned at twenty-five minutes past Six o'clock, to Thursday next, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 13th June 1893.

CONTROVERTED ELECTIONS
(PONTEFRACT).

*Mr. SPEAKER informed the House, That he had received from the Judges appointed to try the Several Election Petitions, the following Certificate and Report relating to the Election for the Borough of Pontefract :—

The Corrupt Practices Prevention Acts, 1854 to 1883.

To the Right Honorable the Speaker of the House of Commons.

We, the undersigned Judges of the High Court of Justice and two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Acts, certify that upon the 6th, 7th, 8th, and 9th days of June 1893, at the West Riding Court House in the borough of Pontefract, in the West Riding of the county of York, we duly held a Court for the trial of and did try the Election Petition for the borough of Pontefract, in the West Riding of the county of York, between John Shaw, Petitioner, and Harold James Reckitt, Respondent.

And, in further pursuance of the said Acts, we report that at the conclusion of the said trial we determined that the said Harold James Reckitt, being the Member whose Election and Return were complained of in the said Petition, was not duly elected and returned for the said borough.

And we do hereby certify in writing such our determination to you.

And, whereas charges were made of corrupt and illegal practices having been committed at the said Election, we, in further pursuance of the said Acts, report as follows :—

(a.) That no corrupt or illegal practice was proved to have been committed by or with the knowledge or consent of any candidate at such Election.

(b.) That the following persons were proved at the said trial to have been guilty of the corrupt practice of bribery :—

Person bribed.	Person by whom the said voter was bribed.
A voter named Samuel Whittington (a Moulder), of 46, Orchard Street, Masborough.	Benjamin Draper (a Pottery Packer), of Ferrybridge.

(c.) That there is no reason, upon the evidence before us, to believe that corrupt practices have extensively prevailed at the Election for the borough of Pontefract to which the said Petition relates.

We have given Certificates of Indemnity to said Samuel Whittington and to the said Benjamin Draper.

Dated this 12th day of June 1893.

H. HAWKINS.
LEWIS CAVE.

NEW WRIT.

For Swansea District of Boroughs, v. Sir Henry Hussey Vivian, baronet, now Lord Swansea, called up to the House of Peers.

MESSAGE FROM THE LORDS.

That they have agreed to,—Pier and Harbour Provisional Orders (No. 1) Bill; Pier and Harbour Provisional Orders (No. 2) Bill, without Amendment; Burgh Police (Scotland) Act (1892) Amendment Bill.

QUESTIONS.

ADMIRALTY TENDERS.

MR. TANKERVILLE CHAMBERLAYNE (Southampton): I beg to ask the Secretary to the Treasury whether he is aware that no Southampton builders knew that tenders were invited for the new Customs launch now building at Dartmouth, although one firm applied for information to the collector; will he state how the fact that tenders were invited was published; and with respect to this particular launch, will he state what other firms tendered for its construction?

THE SECRETARY TO THE TREASURY (Sir J. T. HIBBERT, Oldham): The statement in the first paragraph is inaccurate. Twelve firms were invited to tender, and one of them was a Southampton firm. It would be unusual to give the names of unsuccessful tenderers. The tenders were invited by letter to firms recommended by the Admiralty.

THE RAILWAY RATES COMMITTEE.

MR. HANBURY (Preston): I beg to ask the Secretary to the Treasury whether his attention has been called to the fact that the Evidence given before many Committees, such as that now considering the question of Railway Rates, is not printed and circulated until some days later, and generally only on the morning of the next sitting of the Committee; and whether he can make arrangements that such Evidence shall be printed and circulated next morning, as is the case with the Evidence given before Committees on Railway Bills and others?

SIR J. T. HIBBERT : As a general rule, the Evidence taken before Select Committees is not circulated the next morning, but before the next meeting of the Committee simply. The printers are not ordinarily paid for night-work, which would be required if the Evidence had to be circulated the next morning. If such rapidity in circulating Evidence is found necessary it is for the Chairman of the particular Committee to give the order.

***MR. J. E. ELLIS** (Nottingham, Rushcliffe) : Is not the right hon. Gentleman aware that there have been several cases during this Session in which the delay has been a serious inconvenience ?

SIR J. T. HIBBERT : I am sure the Chairman of the Committee will do everything in his power to forward the circulation of the Evidence.

CIVIL SERVICE EXAMINATIONS.

MR. CRILLY (Mayo, N.) : I beg to ask the Secretary to the Treasury whether he is aware that in recent Civil Service Examinations University tutors have been selected to set the papers and assign the marks in subjects which they have been teaching certain candidates for the said open competition, and that in the last examination for the Home Civil Service, Class I., several questions are practically identical with those set at Oxford during the previous term ; and whether the Civil Service Commissioners have discontinued their previous practice of printing the names of the examiners on their papers ; and, if so, why ?

SIR J. T. HIBBERT : Examiners are invited to assist the Civil Service Commissioners on the understanding that they do not prepare pupils for the Examinations in which they are asked to take part. The Civil Service Commissioners have no information on the point raised with regard to the last Class I. Examination ; but it is obvious that, in an Examination which practically covers the same ground as the ordinary curriculum for higher education in this country, questions of a similar character may sometimes be set. The Civil Service Commissioners will, however, be prepared to investigate the facts, if the evidence on which the question appears to be based is brought before them. It is not the practice, nor is it thought de-

sirable, to print the names of the examiners for the Home Civil Service on the papers.

UNSTAMPED AND INSUFFICIENTLY-PAID LETTERS.

MR. T. FRY (Darlington) : I beg to ask the Postmaster General if he can arrange for letters, which have been unstamped or insufficiently paid, to be charged only the ordinary fee instead of double, which fine now falls on the innocent persons who receive them ?

THE POSTMASTER GENERAL (Mr. A. MORLEY, Nottingham, E.) : All Post Offices in the world recognise the importance of securing the full prepayment of letters, and it is found to be the fairest and most effective way of discouraging insufficient prepayment to charge double the deficiency on delivery. The practice of charging a fixed fine, in addition to the actual deficiency, was tried for many years by certain Administrations ; but within the last year or two that practice has been finally abandoned, and the practice of doubling the deficiency is now uniformly adopted. The collection of the charge on delivery imposes additional labour on the postman, and delays the delivery of the letters which he carries, and I cannot hold out any prospect of a change in the direction indicated in the question of the hon. Member.

BALLACHULISH PIER.

MR. MACFARLANE (Argyll) : I beg to ask the President of the Board of Trade if he is aware that a fence has been erected at Ballachulish Pier for the purposes of excluding the coaches of all but one coach owner ; whether the terms upon which the erection of the pier upon the foreshore was granted justifies a proceeding which reduces the general accommodation of the public ; if he will order the removal of the fence in question ; and whether a charge of 3d. upon every passenger landing on the Ballachulish Pier is legal ?

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside) : I am making inquiries on the subject of the fence referred to by the hon. Member with the object of ascertaining the views of both parties to the dispute which has arisen. There appears

to be no statutory authority for the erection of the pier at Ballachulish, or for the imposition of dues for the use of it.

OCEAN PENNY POSTAGE.

MR. HENNIKER HEATON (Canterbury) : I beg to ask the Postmaster General whether he can state the estimated annual addition to postal expenditure which would result from the institution for letters to the Colonies of Ocean Penny Postage, that is, the system under which a letter addressed to a British Colony or Dependency, and bearing 1d. stamp, would be conveyed by water all the way from this country to the colony of destination ; and whether, in case of the inability of the Department to furnish such information, he will accept the estimates of experts on the question, so as to give the House of Commons an opportunity of discussing the policy of Ocean Penny Postage ?

MR. A. MORLEY : I fear it is not possible to give figures which would show the effect on postal expenditure of the proposed change. In the case of the mails to Australia, for instance, it is impossible to say what proportion of the mails which now go overland would be diverted to the all sea route, and in other cases there would be similar difficulties. I do not know who are the experts indicated in the question ; but if the hon. Member refers to himself, I fear I cannot undertake to accept his figures as conclusive upon results which depend upon unknown quantities. I would remind the hon. Member that the question of Penny Postage to India and the Colonies, including the question of "Ocean Penny Postage" was fully discussed in the House on the 28th April last.

COLONIAL IMPORT DUTIES.

MR. HENNIKER HEATON : I beg to ask the Under Secretary of State for the Colonies, in view of the facts that the products of British Colonies are taxed at the maximum tariff on entering France, while British home products are admitted to France at a lower rate than British Colonial products, and that the British Colonies admit the products of France at the same tariff as regulates the admission of French Colonial products to such Colonies, whether Her Majesty's Government will use its good offices to procure an assimilation of the

Mr. Mundella

tariff now charged in France on British Colonial products to the tariff levied in that country on British home products ?

THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir E. GREY, Northumberland, Berwick) : Perhaps I may be allowed to answer this question. The statement of facts in the question is correct ; but if British Colonies do not differentiate between France and French Colonies, it is doubtless because these latter are both Protectionist countries. The United Kingdom, on the other hand, is a Free Trade country, and her Colonies are Protectionist, and France differentiates in consequence between them. There is, therefore, no ground at present for making representations to the French Government.

H.M.S. "HOOD."

MR. HANBURY : I beg to ask the Secretary to the Admiralty whether the fore compartments of the *Hood*, which is leaving at once for the Mediterranean, were last week discovered to be full of water and the vessel still leaking ; whether this defect, which might have proved very serious if it had remained undiscovered until the vessel had proceeded to sea, was due to the fact that rivets, which should have been driven right through the plates and fastened on the other side, had been driven only partly home and the hole on the other side filled by an imitation of the rivet head ; whether it is always known and recorded what workmen are engaged on particular parts of a vessel ; and whether adequate punishment is legally provided for such bad and dangerous workmanship ?

***THE SECRETARY TO THE ADMIRALTY** (Sir U. KAY-SHUTTLEWORTH, Lancashire, Clitheroe) : This question is founded upon newspaper statements which have hazarded an entirely erroneous interpretation of the accident that caused a slight leak in H.M.S. *Hood*. The facts of the case are as follows :—In docking the ship for coating her bottom, she bore rather heavily upon one of the blocks in the dock, and started one of the rivets in the foremost keel-plate. Owing to the slight leak which was thus caused, although it was not a serious matter, the vessel was redocked, and the rivet replaced. It is

entirely untrue that the rivet was improperly formed, driven, and laid up; nor was it an imitation rivet. Indeed, no defective work has been discovered in the ship, and the Admiralty have had remarkable evidence, within the last few months, of the excellence of the riveting work done in Chatham Dockyard. With respect to the last two paragraphs of the question, if any serious defects were discovered in a ship, the workmen responsible for it could be identified, and would certainly suffer for it.

RAILWAY COMMUNICATION BETWEEN TEHERAN AND THE CASPIAN.

SIR R. TEMPLE (Surrey, Kingston): I beg to ask the Under Secretary of State for Foreign Affairs what is the latest information that can properly be given as to the construction of a railway from Teheran to the Caspian by a Russian contractor; whether the security for this undertaking is the concession from the Shah of certain tolls and dues receivable heretofore by Persian Authorities; and whether these would, after the commencement or completion of the undertaking, be levied by Russian authority, Governmental or private?

SIR E. GREY: We have no reason to think that there is any intention of constructing a railway from Teheran to the Caspian.

THE SEAL FISHERY IN THE NORTH PACIFIC.

MR. GIBSON BOWLES (Lynn Regis): I beg to ask the Under Secretary of State for Foreign Affairs whether, before introducing into Parliament the Seal Fishery (North Pacific) Bill for the prohibition of sealing by British subjects in the North Pacific Ocean, Her Majesty's Government had asked for and obtained the consent thereto of the Canadian Government; and whether, inasmuch as the Bill applies to all the Pacific waters north of the 42nd parallel of latitude, it is intended that the prohibition of sealing shall extend to the bays, creeks, and coasts in general of the Dominion of Canada on the Pacific side?

SIR E. GREY: Her Majesty's Government have assured themselves beforehand of the assent of the Canadian Government to the arrangements con-

templated under the Seal Fishery (North Pacific) Act, 1893. The Act will be for the purpose of putting into force the Agreement with the Russian Government, which has recently been laid before Parliament; and when the Bill has passed into law, its provisions will be carried out by Order in Council; but it is not intended to apply them to the Canadian coasts on the Pacific without the assent of the Canadian Government.

RE-DIRECTED PAPERS.

MR. A. C. MORTON (Peterborough): I beg to ask the Postmaster General whether he will make arrangements so that papers may be re-directed in the same way that letters are now re-directed, and under the same Regulations?

MR. A. MORLEY: The present Rules as to re-direction were framed by the late Government, who, after full consideration, decided to allow the free re-direction of letters, but to maintain the charge on newspapers, circulars, and other postal packets. I am not prepared to recommend a departure from that decision.

COLONEL WARING (Down, N.): Will the right hon. Gentleman not consider the propriety of allowing Members of this House to continue to enjoy the privileges in this respect that they have hitherto enjoyed?

MR. A. MORLEY: That was considered, and it was decided that Members of this House should be put on the same level in this respect as other classes of Her Majesty's subjects.

SECONDARY EDUCATION IN SCOTLAND.

MR. MAXWELL (Dumfries-shire): I beg to ask the Secretary for Scotland whether he intends to make any alteration in the Minute relating to Secondary Education dated 1st May, 1893, in consequence of the Resolution carried in the House of Lords on the 8th instant; and whether he proposes to allocate lump sums, varying from £120 to £200, to all the counties before the distribution of the grant according to population?

THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton): The position of the question is this: When the Minute of May 1 was before the House of Commons it was moved that an humble Address be presented to Her Majesty, praying Her

to withhold Her Assent from the Minute. The Motion was rejected by a majority of 103 votes. Subsequently, a similar Motion was moved in the House of Lords, and was passed by 59 votes. I cannot make any statement on the subject until the Queen has sent Her Reply to the Address of the House of Lords.

RAILWAY ACCOMMODATION IN COUNTY GALWAY.

MR. ROCHE (Galway, E.): I beg to ask the President of the Board of Trade whether he is aware of the Memorial of the clergy, gentry, traders, and farmers of Kilconnell and surrounding districts, presented to the Directors of the Midland Great Western Railway of Ireland in February last, requesting them to erect a station at Carromana, County Galway, which the Directors have refused, on the ground that their Manager believed the additional traffic would not warrant the outlay; is he aware that the memorialists intimated their assurance that the additional traffic would pay, and offered to indemnify the Railway Company against loss by giving a baronial guarantee; and whether, considering that there are seven fairs held every year in Kilconnell, and that the convenience and accommodation of the people require a station there, he will communicate with the Directors with the view of having a station erected at Carromana?

MR. MUNDELLA: I have communicated with the Railway Company on the subject of the hon. Member's question, and the Directors are of opinion that the traffic which would result from the opening of such a station would not repay them for the outlay. It appears from the statement of the company that the number of inhabitants of Kilconnell, the largest town in the district, was, according to the last Census, only 131, and that the surrounding country is sparsely populated. The secretary to the company adds—

"Should the parties interested be prepared to pay the necessary outlay for station, signals, &c., the Directors would be prepared to reconsider the matter."

MORTON NATIONAL SCHOOL, BINGLEY.

MR. PICTON (Leicester): I beg to ask the Vice President of the Committee of Council on Education whether the Education Department have discovered

that the accounts of the Morton National School, Bingley, have been made delusive by crediting to the school fund subscriptions which had no existence; whether these so-called subscriptions were in some cases credited with the consent of the alleged subscribers; and, if the facts are as stated, what steps the Department intends to take with regard to those who were parties to the transaction?

THE VICE PRESIDENT OF THE COUNCIL (MR. ACLAND, York, W.R., Rotherham): The late Vicar of Morton, who died by his own hand under very painful circumstances in September last, made a public statement a short time before to the effect that he had for some years past falsified the school accounts in the manner described. He also stated that this had been done in some cases with the consent of the persons to whom the fictitious subscriptions were credited, mentioning in particular the name of one person who is now acting as Correspondent of the school. The Department have held a very careful inquiry on the spot, in which the Trustees of the school have given every assistance. The fictitious subscriptions are to be made good, and a fresh balance-sheet with *bonâ fide* vouchers for all the income and expenditure to be made out for the current year. The Department have also called on the gentleman implicated by the late Vicar to offer any explanation as to his part in the matter. Failing a satisfactory explanation, they will decline to recognise the school while he remains a Manager or Correspondent.

MR. PICTON: Was any fraudulent or criminal intent alleged?

*MR. ACLAND: The falsification was admitted. As to the legal aspect of the case, I can offer no opinion.

THE GOVERNMENT VICTUALLING YARD, DEPTFORD.

MR. KEIR HARDIE (West Ham, S.): I beg to ask the Secretary to the Admiralty whether a section of the workmen at the Government Victualling Yard, Deptford, petitioned the authorities some six weeks ago asking that wages should be paid for the four statutory holidays—namely, Coronation Day, Queen's Birthday, Good Friday, and Christmas Day; whether some of those who signed the Petition were censured,

while others had their wages reduced, and three, including Edward Pluck, who afterwards committed suicide, were dismissed as a punishment for having signed the Petition; and whether this action has been taken with the sanction of the Government?

THE CIVIL LORD OF THE ADMIRALTY (Mr. E. ROBERTSON, Dundee): The answer to the first paragraph of the hon. Member's question is in the affirmative. The 15 men who signed the Petition were not engaged by the Admiralty, but were the servants of the contractor who has the contract for the repairs and maintenance works at Deptford. They petitioned to be placed on the same footing as men in the direct employment of the Admiralty. As to the second paragraph, I have ascertained, on inquiry, that three of the men who signed the Petition, including Edward Pluck, were withdrawn by the contractor from the works at Deptford. I have no official information as to any other dealings of the contractor with his workmen, and the Admiralty has no power over them, and no responsibility for them.

***MR. KEIR HARDIE:** In consequence of the answer I have received, I beg to give notice of my intention at the close of the questions to ask leave to move the Adjournment of the House.

THE SUICIDE OF EDWARD PLUCK.

MR. KEIR HARDIE: I beg to ask the Secretary to the Admiralty whether his attention has been called to an inquest held at Deptford on 1st June, on the body of Edward Pluck, aged 65, who had committed suicide, in which the jury found that deceased committed suicide while labouring under mental derangement through having been turned out of his employment in the Government Victualling Yard at Deptford, in consequence of a clause in a Government contract prohibiting contractors from employing workmen over 65 years of age; and whether there is such a clause inserted in any contract at the Victualling Yard?

MR. E. ROBERTSON: My attention has been called to this matter by the question of the hon. Member. No such clause is inserted in any contract at the Deptford Victualling Yard.

MOONLIGHTING IN COUNTY LEITRIM.

MR. DANE (Fermanagh, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland is he aware that a notice, signed "Captain Moonlight," was posted close to the Aughawillan Roman Catholic Chapel, County Leitrim, upon Sunday, the 28th May, stating that any person working, or shopkeeper supplying, James Houston or Richard Rutledge may have their coffins with them; whether the persons referred to in such notice are farmers residing in the locality, who recently were alleged to have assisted with the necessities of life a man named Davis, who has been boycotted for taking lands which had been evicted for non-payment of rent; have the police any information respecting the posting of such notice; and have Messrs. Houston and Rutledge been afforded protection?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): It is a fact that notices to the effect stated were posted in this locality, but it is not correct to say that Davis was boycotted, nor have the notices affected in any way either of the other two persons named in the question. The police will, of course, afford any protection that may be considered necessary.

WORKMEN'S PAY IN GOVERNMENT DEPARTMENTS.

MR. KEIR HARDIE: I beg to ask the Secretary of State for War whether the changes in the rates of pay of workmen under the Admiralty and the War Office, as agreed on by these Departments, include Trade Union rates of wages for artisans, and a minimum of 6d. per hour for labourers?

THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. WOODALL, Hanley): The minimum rate of wages under the Admiralty and War Office to be paid under the new Regulations must depend, as was explained yesterday, upon local and special circumstances. As regards artisans in Government employ, no difficulty is experienced in agreeing upon fair rates of remuneration.

SCOTCH FISHERY DISTRICTS.

DR. FARQUHARSON (Aberdeenshire, W.): I beg to ask the Secretary

for Scotland whether the purely agricultural parts of Aberdeenshire will be included in the Fishery District of the county as defined in the Sea Fisheries Regulation (Scotland) Bill; and whether, to allay apprehension, he will fix the maximum of the special assessment authorised in Clause 6, Sub-section 3, at less than 3d. in the £1?

SIR G. TREVELYAN: As the Bill stands, the whole of a seaboard county falls to be included in one of the Fishery Districts to be constituted under the Bill, and any other proposal would seem hardly practicable. Although there is provision for a special assessment of 3d. in the £1, it will seldom or never be required, in view of the reasonable expectation that the mussel-beds must in a short time be more than self-supporting. A 3d. rate over the whole of the seaboard counties would produce above £200,000; and obviously that amount, or anything like that amount, would never be levied. But there may be some small county which might be desirous to raise a large sum in order to acquire or make and cultivate valuable and extensive beds which were sure to be remunerative. It will, however, be for the Committee to consider the maximum of the rate.

DR. FARQUHARSON: When we get into Committee on the Bill will the right hon. Gentleman give us a clear definition of the words "Fishery Districts"? At present the meaning is somewhat obscure.

SIR G. TREVELYAN: The definition of that part of the country which will be made liable to be included in a Fishery District will be made quite clear.

THE QUEEN'S PIPE.

ADMIRAL FIELD (Sussex, Eastbourne): I beg to ask the Secretary to the Treasury whether he is aware that on the 6th instant the collector and two officers of Portsmouth Customs caused a quantity of tobacco and cigars, amounting together to about a ton, to be burnt at the back of the Custom House; and whether such waste can be stopped in future, by causing such contraband tobacco to be issued to troops proceeding on foreign service, or to hospitals, work-houses, and lunatic asylums, for the use of the poor and infirm inmates?

Dr. Farquharson

SIR J. T. HIBBERT: On the 6th instant there was destroyed at Portsmouth not a ton, but 164 lb., of tobacco, and no cigars. The tobacco is not contraband, but such as is known as "overtime" tobacco — i.e., deposited with the officers of Customs for security of the duty, but not claimed by the owners within three months. It was then put up to auction, and, no bids having been received was destroyed under Section 73 of the Act 39 & 40 Vict., c. 36. The authorities of hospitals, &c., could not be allowed to have tobacco, either by gift or purchase, without payment of the proper duties, as the effect would be to displace duty-paid tobacco. As, however, I agree that such waste should, if possible, be avoided, it may be a question whether tobacco unsaleable at a public auction should be served out free to troops proceeding on foreign service, who are at present entitled to tobacco free of duty.

SANITARY PRECAUTIONS AGAINST EPIDEMICS.

MR. W. JOHNSTON (Belfast, S.): I beg to ask the President of the Local Government Board whether, in view of possible epidemics, he will give increased sanitary powers to the County Councils to enable them to enforce in all dwellings the periodical removal of insanitary matter, and to take the necessary precautions to prevent the spread of infectious diseases?

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. H. H. FOWLER, Wolverhampton, E.): Urban and Rural Sanitary Authorities can themselves undertake the removal of house refuse, &c., or can, by means of bye-laws, impose on the occupiers this duty, which may be enforced by penalties. They are also empowered to take such precautions as are necessary to prevent the spread of infectious disease. I see no necessity for any further legislation.

MILLBANK PRISON SITE.

MR. DARLING (Deptford): I beg to ask the Chancellor of the Exchequer whether, in case the London County Council accept the offer of the Government to sell to them, for the purpose of erecting thereon workmen's dwellings, a portion of the Millbank Prison site at less than the market value of the land, the Government will put the County

Council under the obligation to give to the working tenants, in the shape of rents below the market value, the benefit of the advantage they receive from the Government?

MR. BURDETT-COUTTS (Westminster): At the same time, I will ask the First Commissioner of Works from whom he received strong local representations in favour of the erection of artizans' dwellings on 10 acres of the Millbank Prison site, to the exclusion of any portion of it being devoted to a recreation ground; whether he is aware that the London County Council, on 15th June, 1891, communicated with the Westminster Vestry with a view to the acquisition of an open space on that site, and early in the present year refused to entertain the proposal to erect artizans' dwellings in such close proximity to the military barracks decided on by the Government; and whether, considering that the Westminster Vestry, by 33 votes to five (11th January, 1893), refused to approve of the erection of artizans' dwellings on this site, and, by 33 votes to 12 (26th April, 1893), offered to find one-half the cost of 10 acres of the site for the purpose of a recreation ground, and to bear the cost of laying out and maintaining the same, and the fact that the site is in the heart of a parish in which 40,000 persons live on 175 acres (including roads), and nearly 5,000 school children have no other playground than the public streets, he will intervene to prevent the site being finally disposed of until a poll of the ratepayers of Westminster is taken, by the County Council or otherwise, on the subject?

THE CHANCELLOR OF THE EXCHEQUER (Sir W. HARCOURT, Derby): In answer to the hon. Member for Deptford, I have to say I do not propose to make any condition such as that suggested, nor am I aware that the London County Council have yet accepted the offer of the land. In reply to the hon. Member for Westminster, I may say that the question of devoting part of the Millbank site to artizans' dwellings has been for some years under the consideration of the London County Council, but no agreement could be come to with reference to price. It is true that, in the first instance, the County Council objected on the score of the proximity of barracks, but that objection

has been withdrawn. I consider the provision of artizans' dwellings is more urgent than that of a recreation ground, as it concerns the whole Metropolis, and not Westminster alone, which has the advantage of proximity to the parks.

MR. BURDETT-COUTTS: The right hon. Gentleman has not answered the first part of my question, on which the First Commissioner of Works has founded the answer to two previous questions of mine.

THE FIRST COMMISSIONER OF WORKS (Mr. SHAW LEFEVRE, Bradford, Central): I did not found my answers on that. I received a strong representation from the Liberal Association asking me to receive a deputation from various organised bodies of Westminster in favour of erecting artizans' dwellings on the Millbank site. I also received from the noble Lord the Member for the Barnsley Division of Yorkshire, who was till lately the Chairman of the Committee of the London County Council for Housing the Working Classes, a letter in which he said—

"I should be very glad if the young men of Westminster who are signing Petitions could obtain a recreation ground, but there is supreme importance in securing proper dwellings for the working classes in Westminster, particularly as many improvements have been and are going to be carried out, and these classes are being driven elsewhere into already over-populated districts."

MR. BURDETT-COUTTS: Does the right hon. Gentleman intend altogether to disregard local feeling on this subject? I will also ask whether, in view of the natural course in Westminster being to convert slums into artizans' dwellings, the decision of the Chancellor of the Exchequer has announced will not for ever deprive the populous district of Westminster of all hope of sanitary improvement? Will he not re-consider his decision?

SIR W. HARCOURT: I have already stated the grounds on which the Government have come to a decision in the matter.

DR. MACGREGOR (Inverness-shire): I wish to put a question which contains a suggestion. Would not this be a very excellent site for a small-pox hospital? Could it not be thus used with greater advantage to the working classes than turning it into dwellings?

MR. SPEAKER : That is a matter of opinion.

SIR W. HARCOURT : My answer is, No. As there are to be barracks on the site, beside the gallery for Mr. Tate's pictures, I do not think it would be a proper place for a small-pox hospital.

THE DIVISION OF URBAN DISTRICTS.

MR. H. LEWIS (Flint, &c.) : I beg to ask the President of the Local Government Board whether, in cases where a division of an urban district into wards is desired, the Local Government Board are of opinion that the Local Authority should follow the old procedure under "The Public Health Act, 1875," or avail themselves of their power to proceed under Section 57 of "The Local Government Act, 1888?"

MR. H. H. FOWLER : Where the division of an urban district into wards is desired, the matter should be brought under the attention of the County Council, who have the necessary powers under Section 57 of the Local Government Act.

THREATENING NOTICES IN COUNTY CLARE.

MR. HORACE PLUNKETT (Dublin Co., S.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that notices have recently been posted up at Ballyvaughan and Kilfenora, County Clare, denouncing by name, as landgrabbers and emergency men, five persons ; and whether anyone has been made amenable for this offence?

MR. J. MORLEY : I have seen one of the notices referred to. The hon. Member is, doubtless, aware of the difficulty in tracing the authors of notices of this kind ; but he may rest assured that the police are doing all that they can to trace the offenders in this case.

THE CAROGH ORPHANGE.

MR. HORACE PLUNKETT : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he has been informed that the Rev. S. G. Cotton, late incumbent of the Parish of Carogh, County Kildare, who was recently convicted of gross cruelty to and neglect of the inmates of the Carogh Orphanage, and who was sentenced to

six months' imprisonment and a fine of £400, is now out of prison, and is again conducting an orphanage ; whether he is aware that the Rev. S. G. Cotton's effects have been seized for payment of the fine ; and whether, under the circumstances, he will cause such orphanage to be officially inspected?

MR. J. MORLEY : I have not yet been able to get the information required, and I will, therefore, ask the hon. Member kindly to put the question again on Monday.

THE FINANCIAL CLAUSES OF THE HOME RULE BILL.

MR. BRODRICK (Surrey, Guildford) : I beg to ask the Chancellor of the Exchequer whether the Parliamentary Paper issued yesterday reduces the estimated receipts of the Irish Exchequer by £365,000 ; what are the sums estimated respectively for the special pensions to Constabulary, Judges, and Civil Servants authorised by the Government of Ireland Bill ; what provision has been made for the staff and up-keep of the Irish Parliament, and the salaries of Ministers and Members ; what amount of the estimated surplus of £500,000 will be left after these services are provided for ; and when the Government propose to submit a revised scheme relating to the finances of the Irish Government?

MR. BARTLEY (Islington, N.) : I also wish to ask the First Lord of the Treasury when he will lay upon the Table the revised Financial Clauses of the Government of Ireland Bill?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian) : As to the first paragraph of the question, the sum of £365,000 is correctly stated as the reduction in the amount contributed for Excise Duties upon spirits ; but it would not be correct to take it as the amount by which the basis of the proposals is disturbed. As to the second question, the sums estimated respectively for the special pensions to Constabulary, Judges, and Civil Servants, it would not be possible to form an estimate of those sums. They will depend, in a great measure, upon the proceedings that may take place, especially as to the police, between the Irish Government and those who now form the Constabulary. I do not think

there is any probability that the Government will be able to form an estimate upon that subject. With regard to the third question, the provision for the staff and up-keep of the Irish Parliament and the salaries of Ministers and Members, I observe it settles a serious question in respect to the payment of Members, from which I infer that the hon. Member will in future be a warm supporter of that principle at home; but it is not possible for us to make an estimate upon these matters. On the ground of practicability, and also on the ground of propriety, these are matters for the Irish Legislature to determine for itself with the means which it possesses. Fourthly, what amount of the estimated surplus of £500,000 will be left after these services are provided for? It is obvious from what I have stated that the charges cannot be computed; neither can the residuary amount be computed. These are proceedings which depend upon the views and actions of the new Irish Parliament. Lastly, when the Government propose to submit a revised scheme relating to the finances of the Irish Government (and here I may answer the question put by another hon. Gentleman opposite). I hope to submit that scheme, with the information necessary in regard to figures, in the course of a few days, probably in the course of this week.

MR. BRODRICK: The right hon. Gentleman says that the estimated receipts of the Irish Exchequer will not be reduced by £365,000. Will he kindly tell the House by what amount that will be reduced by the error which has been discovered?

MR. W. E. GLADSTONE: By an amount materially smaller, but the particulars will be produced shortly and laid before the House.

MR. BARTLEY: Are we to understand that there is another mistake in the statement which has been issued, because that distinctly states that there is a mistake to the extent of £365,000?

MR. W. E. GLADSTONE: Not that the balance is affected to that amount, but that there has been discovered, in point of fact, a very defective method of computation of the Excise Duties upon spirits, which—as far as we can form either an opinion or a conjecture, though our information is at present imperfect—appears very possibly to date from the

time of the equalisation of the Spirit Duties—an error which has now happily been discovered, and which is correctly stated in the question of the hon. Gentleman; but there are other items which have undergone adjustment by the latest information, and the balance presented must be affected to that extent.

FREE EDUCATION IN PIMLICO.

MR. J. ROWLANDS (Finsbury, E.): I beg to ask the Vice President of the Committee of Council on Education whether his attention has been called to a letter in *The Times* of the 12th June, by the Chairman of the London School Board; and, if so, whether it is his intention to take any steps to secure that the provision for free education in Pimlico shall be such as the parents who signed the Memorial desire?

SIR R. TEMPLE: I beg, at the same time, to ask the right hon. Gentleman whether he is aware that, on 10th May last, the Chairman of the Accommodation Committee of the London School Board addressed the Education Department fully regarding free education in Pimlico, in answer to the reference from that Department of 11th March last; whether he is aware that the Department acknowledged the above address from the Board on the 15th May; and what, if the above facts be verified, is the ground of the statement that the Board had failed to supply the information asked for?

MR. ACLAND: My attention has been called to the letter mentioned. I regret that my answer given on the 8th was not more full. I ought to have said that the School Accommodation and Attendance Committee of the London School Board did, on the 10th May, send to the Department the statistical information and map asked for in paragraphs one and two of the Department's letter of the 11th March. This information, I assume, was readily available to the Board, and might, had the Board so pleased, have been supplied immediately. It showed a considerable apparent deficiency of free school places in the district. In acknowledging this letter on the 15th May, the Department pointed out that the matter still remained to be investigated, and urged the Board to give it immediate attention. But the really important part of the Department's

letter of the 11th March was the third paragraph, which asked for the Board's observations on the representation. No observations of any kind have yet been received from the Board on the representation, nor have they intimated to the Department that any free places are in course of provision, or that the demands of the Memorialists have been inquired into. The Board thus occupied two months in obtaining and sending in a mere formal Return and a map. As regards the five weeks' Easter Recess mentioned in the letter, it is not contemplated by the Education Acts, and the Department can take no cognisance of it as a reason for delay. The procedure of the Board up to the present time contrasts unfavourably with the more prompt action taken by other School Boards to whom similar letters have been addressed. As an instance, I may mention the Liverpool School Board, who having, on the 13th November, received a letter similar in its terms to that sent to the London Board on the 11th March, replied on the 3rd December, not only supplying full statistical information, but also dealing carefully with the whole situation. I can hardly suppose that the delay of three months caused mainly by the inaction of the School Board is in accordance with the wishes of the parents who have claimed free places for their children. I have directed the Senior Chief Inspector of the Department to inquire as speedily as possible into the whole matter.

SUICIDE OF AN EMPLOYÉ IN A GOVERNMENT YARD.

MR. KEIR HARDIE : I beg to ask the First Lord of the Treasury what provision the Government intend making for those of their disabled workpeople who, like the man Edward Pluck, who committed suicide as a consequence, are dismissed on attaining the age of 60 or 65 years?

***SIR W. HARCOURT :** This question has already been answered by the Civil Lord of the Admiralty. I understand that the man referred to was in the employment of a contractor, and the Government know of no such condition of dismissal as is suggested in the question.

Mr. Acland

THE SELECT COMMITTEE ON AGRICULTURAL DEPRESSION.

MR. EVERETT (Suffolk, Woodbridge) : I beg to ask the First Lord of the Treasury whether, in order to obtain a Report at an early day upon the depression now existing in the great industry of agriculture, and the possibility of remedying it, he will consent to the immediate appointment of a Select Committee to inquire into the limited question of the cause of the extraordinary and long-continued fall in prices which has produced the depression?

MR. W. E. GLADSTONE : I must remind my hon. Friend that the Government has already expressed its desire to consider in a friendly spirit the terms of the Reference to the proposed Committee. I do not think it would be expedient, having given that pledge, to determine upon one particular form of Reference which would necessarily preclude others.

MR. EVERETT : May I ask whether the right hon. Gentleman is not aware that Members who have put down Amendments are willing to withdraw their opposition if my proposal is accepted?

MR. W. E. GLADSTONE : No such communication has been made to me.

MR. CHAPLIN (Lincolnshire, Sleaford) : The right hon. Gentleman, perhaps, was not in the House when I stated that if the Government were willing to accept the proposal of the hon. Member for the Woodbridge Division, I should be prepared to withdraw the Amendment standing in my name.

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. H. GARDNER, Essex, Saffron Walden) : That did not cover the Resolution in the name of the right hon. Gentleman the Member for Thanet.

THE WORKING MEN'S DWELLINGS BILL.

MR. WRIGHTSON (Stockton-on-Tees) : I beg to ask the First Lord of the Treasury whether he can allow the Adjournment of the Debate on the Government of Ireland Bill on Wednesday, 14th June, at 4 or 4.30 o'clock, in order to give some opportunity of getting the Working Men's Dwellings Bill through Committee, the Bill being in an excep-

tional position of advantage, which it will lose if this request is declined?

MR. W. E. GLADSTONE: I can add nothing to the answer I have already given, that it is not possible for the Government, looking to the general state of business, to make any further exceptions in regard to private Members' Bills.

THE DUKE OF YORK'S MARRIAGE.

MR. A. C. MORTON: I beg to ask the First Lord of the Treasury whether, in case of the proclamation of a public holiday on the occasion of the marriage of the Duke of York, the Government will make provision in the Estimates to pay those working men and women who would thus be compelled to lose a day's wages, which in many cases they can ill afford?

MR. W. E. GLADSTONE: I can only refer the hon. Member to the replies I have already given as to the evidence by which we should be guided with regard to a general holiday. I may add that even if there was to be a general holiday—which I am not at present in a position to convey to the House—I do not think the suggestion of the hon. Member would be very likely to take effect.

COTTON IMPORTS INTO INDIA.

MR. HOLLAND (Salford, N.): I beg to ask the Under Secretary of State for India whether the Government has received any information in regard to the suggested re-imposition of the duties on cotton imports into India?

*THE UNDER SECRETARY OF STATE FOR INDIA (MR. GEORGE RUSSELL, Beds, N.): No, Sir; the Secretary of State has received no such information.

INDIAN CURRENCY.

SIR R. TEMPLE: I beg to ask the Chancellor of the Exchequer whether he is aware of the reports current to the effect that Lord Herschell's Commission have recommended the Government of India to close the Mints against the coinage of silver on private accounts; and, if so, whether he can give the House any information on that important subject?

SIR W. HARCOURT: I am not aware what reports may be current upon a document which is secret and confidential, and ought to be known to

no one except the persons to whom it is confided. I have already several times stated in the House that until the Government of India have expressed their opinion upon that Report the Government do not feel it right to make any statement or to publish that Report.

MR. CHAPLIN: As the right hon. Gentleman has not felt it consistent with his duty to contradict that statement, I would ask him whether he is aware that the present Financial Secretary to the Government of India, Sir David Barbour, stated in evidence before the Gold and Silver Commission the quantity of uncoined silver in possession of the natives of India was estimated at something like £130,000,000 sterling—

*MR. SPEAKER: Has the right hon. Gentleman given notice of that question?

MR. CHAPLIN: No, Sir.

*MR. SPEAKER: I think notice should be given of a question of that importance.

MR. CHAPLIN: Then I will give notice of the question.

CHARGES AGAINST THE POSTMASTER GENERAL.

MR. DARLING: I desire to ask the Postmaster General a question of which I have given him private notice—namely, whether he intends to take any, and, if so, what, steps in consequence of the charge which has been made against him in *The Pall Mall Gazette* of to-day, that he was a party to a corrupt bargain within the meaning of the Corrupt Practices Act for the withdrawal of a Petition against himself at East Notting-ham?

MR. A. MORLEY: The hon. and learned Member's letter was handed to me as I came into the House. In that letter the hon. and learned Member does not refer to *The Pall Mall Gazette* of to-day. I have not seen the paper to-day and do not know what further charges are made against me.

MR. DARLING: Read the letter.

MR. A. MORLEY:

"I intend to ask you what action you propose to take in regard to the charge of entering into a corrupt bargain within the meaning of the Corrupt Practices Act, as to the withdrawal of the Petition against yourself."

I imagined that the question referred to the statement made a week ago, and so

far as I remember no charge was then made against me of having acted corruptly in regard to the withdrawal of the Petition. If that charge has been made I am prepared to state that it is absolutely without foundation. I was no party to the withdrawal of any Petition. I had no notice served upon me of the filing of the Petition, and if there was any corrupt arrangement in connection with that Petition it was absolutely without my knowledge, without my consent, and certainly it would be against my approval. In these circumstances I am not going to take any action, and I am not going to gratify the desire of those connected with the journal in question by bringing any proceedings or action against them.

MR. DARLING : Arising out of that answer, may I ask whether the right hon. Gentleman is aware that an affidavit was made by Mr. Finch-Hatton and filed, that upon it the Judge ordered that the lapsed Petition should proceed on his entering into security, and that in that affidavit the very charge referred to in my letter to the right hon. Gentleman was made?

MR. A. MORLEY : I do not know that such a charge was contained in any affidavit. I have referred to the article published last Tuesday, in which no such charge is made. If it is made now I say it is absolutely false and without foundation.

DEPTFORD VICTUALLING YARD.

THE CASE OF EDWARD PLUCK.

*MR. KEIR HARDIE, Member for the Southern Division of West Ham, rose in his place, and asked leave to move the Adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, "the suicide of a Government employee, and the conditions of employment in the Victualling Yard at Deptford which led thereto;" but the pleasure of the House not having been signified, Mr. Speaker called on those Members who supported the Motion to rise in their places, and less than 40 Members but more than 10 having accordingly risen,

*MR. KEIR HARDIE : I claim a Division, Sir.

*MR. SPEAKER : Certainly more than 10 and less than 40 Members stood up. If fewer than 40 and not less than 10 hon. Members rise in their places, the hon. Member can claim a Division,

Mr. A. Morley

and then the House will decide on the Question being put whether or not the Motion should be made. That is, if the hon. Gentleman troubles the House to go to a Division, it will be for the House to say whether he shall have leave or not.

*MR. KEIR HARDIE : I will take a Division, Sir.

Question proposed, "That the Motion 'That this House do now adjourn' be now made."

*MR. SPEAKER : I have been asked to desire hon. Gentlemen who called "Aye" to stand up in their places. I am bound to say that I cannot do that. The Standing Order expressly contemplates more than 10 and less than 40 rising, and then it is competent to the hon. Gentleman to claim a Division. As he has acted under the Standing Order, I do not think I can hold that the Division is frivolously or vexatiously claimed, but the hon. Gentleman will observe that the minority is very small.

Question put, and negatived.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 12th June.*]

[NINETEENTH NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 3 (Exceptions from powers of Irish Legislatures.)

THE CHAIRMAN : The first Amendment in Order on the Paper is that standing in the name of the noble Lord the Member for West Edinburgh.

VISCOUNT WOLMER (Edinburgh, W.) moved as a further exception to Clause 3

"The granting protection or indemnity in respect of anything done contrary to the provisions of this section."

He had, he said, intended to move the Amendment in a fuller form, but had found himself precluded from doing so at that particular point. It must be evident to the Committee that if there was any necessity for the restrictions the Committee had been discussing, this country must be protected from any infringement of them so far as possible,

and he had to submit that unless some such Amendment were inserted in the Bill it would be in the power of the Executive Government and Parliament of Ireland in the future, if unfortunately any friction between them and the Imperial Parliament should arise, to entirely frustrate the deliberate intentions of Parliament. When the Committee were debating the Amendment intended to preclude the Irish Legislature from passing Votes in Supply in respect of any of these restricted subjects, the Prime Minister observed that it would undoubtedly be in the power of an officer of the Executive Government in Ireland to act in contravention of this section if he were willing to adopt such a reprehensible line of conduct. It was, then, the duty of the Committee to prevent, if possible, any such reprehensible conduct. They were not legislating for the immediate future only. He understood that the Bill was intended by its framers to stand as a fundamental part of the Constitution of these Islands for many generations. If that was so, it was the duty of the Committee to look ahead, and he could not conceive any hon. Gentleman saying that it was outside the bounds of possibility that a time might come when the Government in Ireland and the Government of Great Britain—when the Irish Legislature and the Imperial Parliament might take totally divergent views on some questions which might be considered of great importance. He need only instance the question of bounties. The Prime Minister admitted that the Irish Paymaster General could connive at the frustration of the intentions of the Imperial Parliament so as to enable the Irish Legislature in practice to grant bounties. It was obvious that in the working of the Irish Constitution, as in the working of other Constitutions, there would be occasions in which the officers of the Executive Government in Ireland might overstep the bounds of legality without any intention to do wrong, and it was argued that it would be wrong to take away from the Legislature the power to indemnify them. In answer to that, he would adopt the arguments of the Home Secretary, and say that in this, as in all matters, it was the question of the balance of advantage, and that the balance was greatly in favour of reserving this question to the Imperial Parlia-

ment. It might also be argued that if the Irish Legislature did attempt to indemnify any of its officers for acts wilfully done in contravention of this section, the Lord Lieutenant could be relied on to come forward and veto any such Bill. In reply to that, he would say that the work which the Lord Lieutenant would have to do in the future Constitution of Ireland was almost too much for human shoulders to bear. He would have to fulfil functions of delicacy and responsibility such as had seldom before been placed on the shoulders of any one man, and it was their bounden duty to settle all these delicate questions beforehand if they could, and to relieve the Lord Lieutenant of the difficulties which would be cast upon him. The Lord Lieutenant would have to join the persuasive powers of the Prime Minister with the dogmatic austerity of the Home Secretary, and he would have to conjoin the Constitutional knowledge of the Chancellor of the Duchy of Lancaster with the pliability of the Chancellor of the Exchequer; and considering how difficult his task would be, he (Lord Wolmer) maintained that they were bound to relieve him in advance of this difficult and delicate duty. This country had had some experience of this question of indemnity. It was not many years since Lord Chief Justice Cockburn delivered his celebrated Charge to the Grand Jury, in which he went into the whole question of indemnity. In that Charge he said, speaking of the time of Grattan's Parliament at the end of the last century—

“As early as the year 1795 insurrections of a serious nature were occurring in various parts of the country; and it would seem that Magistrates and persons in authority took upon themselves to execute a species of Martial Law without any authority whatever. But they were the dominant Party; they had a large majority in the Parliament of Ireland; and it was thought expedient, in order to prevent open rebellion and all the serious consequences that it entails, to have recourse to means beyond the ordinary law; but they thought it equally necessary to obtain Acts of Indemnity. An Act of Indemnity was passed as early as 1796 (36 George III., c. 6, of the Irish Statutes) for excesses beyond the law committed in the year 1795. . . . An Act in similar terms was from this time passed periodically, I think every six months, by the Irish Legislature, till we arrive at the year 1798.”

MR. FLYNN (Cork, N.): Perhaps the noble Lord will allow me to inform

him that those Acts were denounced by Grattan, Curran, and every man of eminence in the Irish Parliament.

VISCOUNT WOLMER said, he had no doubt that if similar Acts were passed by a future Irish Legislature there would be many persons found to denounce them. But that was not the point. The point was, that the Party dominant in the Irish Parliament for their own purposes passed Acts of Indemnity, and that what one dominant Party in one Irish Parliament had done for their own purposes another dominant Party in another Irish Parliament might do for their own purposes. There had been a more recent and, perhaps, as an illustration of the dangers which lay ahead, a more important, example in the case of the Jamaica Indemnity. He need not remind the Committee of what took place in Jamaica, but he would read a short extract from the Act of Indemnity passed by the Jamaica Legislature to absolve Governor Eyre and those who had worked under him. The 1st section of that Act of Jamaica of the year 1865 laid down—

“That all personal actions and suits, indictments, informations, attachments, prosecutions, and proceedings, present or future, whatsoever against such authorities or officers, civil, military, or naval, or other persons acting as last aforesaid, or by reason of any matter or thing commanded, ordered, directed, or done . . . shall be discharged and made void.”

The 2nd section said—

“That his Excellency Edward John Eyre, Esquire, and other persons who have acted under his authority, are hereby indemnified, and all acts so done are hereby made and declared to be lawful, and are confirmed.”

Now, it might be contended that that Act of the Jamaica Legislature would, so far as the Imperial Courts of England were concerned, be null and void. But such was not the case. In the year 1868 or 1869 there was the celebrated action of “*Phillips v. Eyre*” (reported in the 4th and 6th volumes of *Queen's Bench Reports*). The plaintiff brought in this country an action for assault and false imprisonment against Governor Eyre, founded on acts done for the suppression of rebellion in Jamaica. The Jamaica Indemnity Act was pleaded in bar of this action, and the plea was allowed. It was decided (1) that the Act of Indemnity was not repugnant, so far as it related to civil proceedings, to the British Act of 11 William III., c. 12, which provided for

the trial and punishment in this country of all Governors, &c., of any plantation or colony who might—

“Be guilty of oppressing any of the King's subjects beyond the seas within their respective Governments or commands, or of any other crime or offence contrary to the laws of this realm, or in force within their respective Governments or commands.”

(2) That—

“Although the Act of Indemnity was retrospective in its nature, it had effect, beyond the limits of Jamaica, so as to prevent an action from being brought in England.”

Now, although there was an Act of the Imperial Parliament which expressly provided that the Colonial Governors should be brought to trial in this country—for acts of oppression live in these countries in their command—yet that Imperial Statute was rendered null and void by the Act of Indemnity passed by the Jamaica Legislature; and, in the second place, it was ruled that the Act had effect beyond the limits of Jamaica. That, he thought, was of importance. The Act of Indemnity was not only to hold good in the colony in which it had been passed, but it was practically to cover all proceedings in all Imperial Courts. He would submit to the Committee that if at any future time there should be unfortunately a collision of interest or of opinion between the Executive of the Imperial Parliament and the Parliament in Ireland as the Bill stood, it would be in the power of the Irish Legislature to entirely render null and void all the restrictions in Clause 3 by passing Acts of Indemnity. The Committee had only to look to the restrictions in Clause 3 to see the importance of the ground which the Amendment covered. And he would only repeat to the Committee his view that it was laying too great a burden on the shoulders of the future Lord Lieutenant to leave it to him, and to him only, to deal with this question of indemnity. He knew very well what would be said, if not by the Prime Minister by some other supporter of the measure. It would be said that this Amendment, like all others, was only a case of insolent distrust of the Irish people. He held that it was the bounden duty of every British Member to protest most emphatically against that answer and that view. They were in the position of a Trustee, and their attitude should be the attitude of a Trustee,

and not of the donors of charity-money. The Prime Minister seemed to rely implicitly on the argument of the future gratitude of Ireland. That was an argument which should not be left out of the calculation altogether, but they had had an example within recent years of how much gratitude was worth in politics. Was there any country in the world which earned such a debt of gratitude to another as Russia did to Bulgaria? Russia won for Bulgaria her very existence at the cost of tens and hundreds of thousands of Russian lives. If ever there was a case for gratitude it was the action of Russia towards Bulgaria. Where was that gratitude now?

MR. PHILIPPS (Lanark, Mid) rose to Order. He wished to know if the question of Bulgaria was germane to this clause?

THE CHAIRMAN said, he understood the noble Lord to be illustrating his argument.

VISCOUNT WOLMER said, he had not trespassed at any length on the time of the Committee, and he was as much within his right in giving an illustration as any hon. Member who supported the Bill. There was no country in Europe so disliked in Bulgaria as Russia. What was the opinion of Russia on that condition of affairs?—and that was the point of his argument. Russia considered that Bulgaria had been monstrously and atrociously ungrateful. But the question was not what Russia thought, but what Bulgaria thought. In the future, when some unfortunate difference of opinion might have arisen between Ireland and the Imperial Executive, it would be of no use for the latter to plead the ingratitude of Ireland, and say, “We have not deserved this at the hands of the Irish Parliament.” The point of view would be the Irish point of view. They would think that the Imperial Parliament had forfeited all claim to their gratitude, just as Bulgaria thought that Russia had forfeited all claim to her gratitude. The Prime Minister must be aware that it would not be his judgment in the future which would rule the Irish Parliament. The Irish Parliament, like all other Parliaments, would be actuated by only one motive—the motive of its own self-interest, and business calculations of what that interest was.

Amendment proposed,

In page 2, after line 16, to insert “The granting protection or indemnity in respect of anything done contrary to the provisions of this section.”—(Viscount Wolmer.)

Question proposed, “That those words be there inserted.”

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar): There is no doubt that under some of the words of this Amendment a question of great importance is raised; but I think I can show, very shortly, that the Amendment ought by no means to be accepted, either in this form or in any other. What we are concerned with is that the clause prohibits any legislative act on the part of the Irish Legislature with regard to any of the subjects mentioned therein. That is the sole purpose of the clause, and, on the face of it, it would prohibit indemnity. The Amendment cannot have been carefully considered, because it contemplates indemnity in respect of—what? Why, acts done contrary to the provisions of the Bill. But if the Irish Legislature passes a law contrary to the provisions of this section it is, *ipso facto*, void. The only Body that could ask for protection or indemnity would be the Irish Legislature itself for doing an Act that is void. But there is a much more substantial reason against the Amendment. I apprehend that it is quite undoubted law that no Legislature other than, of course, a supreme Legislature like the Legislature of the United Kingdom, can make legal retrospectively what it could not have legalised antecedently. In the case referred to by the noble Lord that distinction was taken and pointed out again and again by the learned Judges, notably Mr. Justice Wills; and it was solely because the subject-matter of the legislation there was judged to be within the powers of the Jamaica Legislature that the Act of Indemnity was authorised. Now, to put into any Act of Parliament a clause which would throw the slightest doubt on that well-established principle of Constitutional Law would be in the highest degree objectionable. The Irish Legislature could no more legislate after the event with regard to matters excepted from their powers than they could legislate before the event. The Amendment is not only unnecessary, but it is positively

objectionable from a Constitutional point of view.

Question put, and negatived.

THE CHAIRMAN: The next Amendment — namely, line 16, after Sub-section (10), insert “(11) The law of evidence,” is out of Order.

MR. J. MORLEY said, he now moved the Amendment he had promised the hon. Member for Preston to insert.

Amendment proposed,

In page 2, line 16, at end, to add, “Provided always that nothing in this section shall prevent the passing of any Irish Act for discharging any liabilities imposed by Act of Parliament.”—(*Mr. J. Morley.*)

Question proposed, “That those words be there added.”

MR. J. CHAMBERLAIN (Birmingham, W.) wished to call attention to the fact that the words proposed had a doubtful or, at all events, a double meaning. More than one meaning could be placed on the words “discharging liabilities.” It would be better, he thought, to accept the word “fulfilling.”

MR. HANBURY said, he had an objection to the word “liabilities.” In the ordinary sense, the word would meet the purpose of the Amendment; but the right hon. Gentleman would see that in the Bill the words “Imperial liabilities” had a special meaning. If he would look at Schedule 3 he would find that “Imperial liabilities” were a totally different matter from “Imperial expenditure.” Imperial liabilities were distinctly limited to the Funded and Unfunded Debt of the United Kingdom, and to other charges on the Consolidated Fund. The addition of the words “and expenditure” after “liabilities” would meet the object they had in view, and he would suggest that those words should be inserted. The main object of the Amendment he had originally moved was that the Irish Parliament should be able to vote money towards extraordinary war expenditure. That was the object the right hon. Gentleman the Chief Secretary wanted to meet in inserting the word “liabilities.”

MR. W. E. GLADSTONE made some observations which failed to reach the reporters.

MR. GOSCHEN understood that the words of the Amendment were intended

to cover the case of those liabilities which might be imposed with reference to the particular matters dealt with in the section. It was not a question of general liability which might be imposed by Parliament for other purposes. It was desirable that there should be no misconstruction of the words of the Amendment.

MR. W. E. GLADSTONE was understood to suggest that it might make the Amendment clearer if they were to substitute for “discharging” the words “to provide for.” He moved to substitute those words.

Amendment proposed to the proposed Amendment, to leave out the word “discharging” in order to insert the words “to provide for.”—(*Mr. W. E. Gladstone.*)

Amendment agreed to.

MR. W. E. GLADSTONE also proposed to strike out the word “liabilities,” in order to insert the word “charges.”

Amendment proposed to the proposed Amendment, to leave out the word “liabilities,” in order to insert the word “charges.”—(*Mr. W. E. Gladstone.*)

Amendment agreed to.

Amendment, as amended, agreed to.

***MR. GERALD BALFOUR** (Leeds, Central) said, he wished to move—

In page 2, after line 16, to insert:—“It is hereby declared that the exceptions from the powers of the Irish Legislature contained in this section are set forth and enumerated for greater certainty, and not so as to restrict the generality of the limitation imposed in the previous section on the powers of the Irish Legislature, whereby those powers are confined to making of laws in respect of such matters only as relate exclusively to Ireland or to some part thereof.”

The object of the Amendment was to obviate a danger which he did not think was altogether fanciful that the enumeration of the exceptions from the powers of the Irish Legislature contained in the clause might be construed as weakening the effect of the general limitation contained in Clause 2 on the powers of the Irish Legislature to the making of laws in respect of matters exclusively relating to Ireland or to some part thereof. He had listened with some attention to the Debate on Clause 3, in order to ascertain clearly what the exact

view of the Government was as to the relation between exceptions from the powers of the Irish Legislature, and the powers conferred on it by Clause 2. So far he had not been able to form a clear idea on the matter. He could not help thinking that the statements they had had from the Treasury Bench had not been perfectly consistent one with another. The powers conferred on the Irish Legislature were in respect of matters which related exclusively to Ireland or to some part thereof. Now, what he wanted to know was this—did the exceptions from these powers refer to matters which, if these exceptions had not been specifically enumerated, would have lain outside or inside the range of the powers conferred on the Irish Legislature by Clause 2? If they looked merely at the nature of the exceptions contained in Clause 3, the natural answer to the question would be that the exceptions referred to matters which were outside the range of the powers conferred in Clause 2. He did not see how it was possible to interpret most of these exceptions as dealing with matters relating exclusively to the internal affairs of Ireland, and that was the view which had been expressed by some of those in charge of the measure. When the Member for the University of Dublin (Mr. Carson) moved to add to Sub-section 6 the words "procedure in criminal matters," the Home Secretary said in the course of the discussion—

"Clause 3 was only the application and development of the principle laid down in the preceding clauses—that the Irish Legislature should have power to legislate in relation to matters which exclusively concerned the peace, order, and good government of Ireland. In specifically enumerating matters which did not exclusively concern Ireland, and declaring that they should not be within the cognisance of the Irish Legislature, it was not showing distrust, but merely rendering more specific the limitation which had already been made."

Therefore, according to the right hon. Gentleman, Clause 3 contained the enumeration of matters which did not exclusively concern Ireland. Now let them turn to the Solicitor General. When the Member for Dublin University moved another Amendment to include among the exceptions the execution and carrying out in Ireland of warrants issued in Great Britain, and the carrying out in Great Britain of warrants for criminal arrest

issued in Ireland, the Solicitor General was reported to have

"Explained that there was no necessity for the Amendment, because the question of the execution of English warrants in Ireland and of Irish warrants in England was not a question relating exclusively to Ireland, and therefore it could not come within the jurisdiction of the Irish Parliament."

Therefore, whereas the Home Secretary regarded Clause 3 as containing an enumeration of matters which did not exclusively concern Ireland, the Solicitor General, on the other hand, held that matters which did not concern Ireland did not require enumeration at all. On that very ground the hon. and learned Gentleman had resisted the insertion of many Amendments proposed from the Opposition side of the House. Similar language had been used by the Chief Secretary for Ireland and the Prime Minister. If one looked at the language of Clause 2 the confusion appeared to become only worse confounded. That clause defied the power of the Irish Legislature, with certain exceptions and restrictions. He could not help thinking there had been a certain laxity of drafting with regard to Clause 2. Certain words had been inserted which were not in the corresponding clause of the Bill of 1886. Those words were—

"In respect of matters exclusively relating to Ireland or some part thereof."

He could not help thinking that the draftsman had inserted those words without considering their effect when taken in connection with the words at the beginning of the clause. At any rate, the language employed had given rise to a great deal of confusion. The most plausible explanation of the view held by right hon. Gentlemen opposite seemed to be that they had had in their minds three classes of subjects:—First, subjects which were unmistakably and undoubtedly outside the internal affairs of Ireland; secondly, matters unmistakably inside the range of the internal affairs of Ireland; and, thirdly, matters as to which some doubt could be raised whether they belonged to the former or to the latter class. The Debate had clearly shown the extreme difficulty of distinguishing between these three classes. That being so, they ought not to shut their eyes to the danger which enumeration brought with it. He was not a lawyer, but he had

always understood it to be a well-known legal maxim that enumeration weakened the force of the law in cases which were not enumerated, whereas exceptions strengthened the force of the law in cases which were not excepted. The Government had chosen in this Bill to define the powers of the Irish Legislature by exception; they had defined those powers negatively rather than affirmatively. In one respect, however, by the insertion of the words which he had just quoted, they had defined the powers affirmatively in so far as they dealt with subjects exclusively relating to Ireland or to some part of it. He was anxious that the force of this should not be weakened by any incomplete enumeration, and he might remind the Committee that any enumeration was almost certain to be incomplete. It was impossible to be sure that they had included everything. He was anxious that the force of the limitation placed on the powers of the Irish Legislature by Clause 2 should not be weakened by any imperfection in the enumeration. The Prime Minister himself had adverted to this danger. His hon. Friend the Member for Preston (Mr. Tomlinson) had moved to insert—

“The status, condition, or rights of any person not domiciled in Ireland,”

and the Prime Minister said—

“No doubt the Irish Government would have no power to touch the status or condition of anyone out of Ireland. It had no powers except those which were conferred. The introduction of assertions that the Irish Government did not possess powers, which no one thought it did possess would have a tendency to create kindred powers just beyond the line of prohibition.”

It was in order to avoid the danger suggested in the right hon. Gentleman's remarks that he moved the Amendment.

Amendment proposed,

In page 2, after line 16, insert—
“It is hereby declared that the exceptions from the powers of the Irish Legislature contained in this section are set forth and enumerated for greater certainty, and not so as to restrict the generality of the limitation imposed in the previous section on the powers of the Irish Legislature, whereby those powers are confined to the making of laws in respect of such matters only as relate exclusively to Ireland or to some part thereof.”—(Mr. Gerald Balfour.)

Question proposed, “That those words be there inserted.”

Mr. Gerald Balfour

Mr. W. E. GLADSTONE: I may begin by saying the advantages and the dangers of enumeration constitute a topic which we have endeavoured to impress on hon. Gentlemen opposite, and I am sorry to say they have not listened to us until now, when the hon. Gentleman appropriates our doctrine by moving this Amendment. I have listened to the arguments which he has brought forward in a somewhat subtle way, and I am willing to accept his Amendment, with the exception of the two last lines of it, these lines consisting, I think he will find, of unnecessary recitation. Although we see no difficulty ourselves, and no necessity for the introduction of any words at all, yet, as the change proposed by the hon. Member is absolutely unexceptionable, we think it is only a due act of respect to the views entertained by men of ability that we should accede to their wishes in such a matter. It appears to me that it is impossible to deal with the subject in the way of very strict definition. I do not see that the 3rd clause throws the smallest doubt on the general provision of the 2nd clause, or tends, in any degree, to strengthen or weaken it. But if it is thought that it does so, I do not see any objection, and I make no objection to the insertion of the words proposed by the hon. Member, down to the word “Legislature.”

Mr. GERALD BALFOUR: I have no objection to altering the Amendment in the way suggested by the right hon. Gentleman.

Amendment, by leave, withdrawn.

Amendment proposed,

In page 2, line 16, to insert—“It is hereby declared that the exceptions from the powers of the Irish Legislature contained in this section are set forth and enumerated for greater certainty, and not so as to restrict the generality of the limitation imposed in the previous section on the powers of the Irish Legislature.”—(Mr. Gerald Balfour.)

Question, “That those words be there inserted,” put, and agreed to.

THE CHAIRMAN: The next Amendment (Sir R. Temple's) is out of Order, as I do not think the Ordnance Survey is a matter material to the clause. The next Amendment, standing in the name of the hon. Member for East Somerset (Mr. H. Hobhouse) ought properly to come upon Clause 5, Sub-section 3. The next Amendment, standing in the name

of the hon. Member for Islington (Mr. Bartley), is out of Order, because it seeks to nullify the clause, and the proper course for anyone who wishes to do that is to vote against the clause. The next Amendment (Mr. W. Kenny's) is out of Order in this clause, and should come on Clause 23. The next Amendment, standing in the name of the noble Lord (Viscount Wolmer), is out of Order; and if there is any doubt about the subject it deals with, the proposal ought to come on the Definition Clause. The next Amendment (Mr. Darling's) is out of Order on this clause, and ought to come on Clause 23.

Question, "That Clause 3, as amended, stand part of the Bill," put, and agreed to."

Clause 4 (Restrictions on powers of Irish Legislature).

THE CHAIRMAN: The first Amendment on Clause 4 (Mr. Bartley's) ought to come properly on Clause 5. I think that is the case also with the next Amendment (Viscount Cranborne's). That standing in the name of the hon. Member for the Partick Division (Mr. Parker Smith) is out of its place, and would properly come after Sub-section 5. The next Amendment, standing in the name of the hon. Member for East Somerset (Mr. H. Hobhouse), ought also to come after Sub-section 5, and the next (Mr. Kimber's) ought to come on Clause 33.

***MR. HARRY FOSTER** (Suffolk, Lowestoft) moved to insert after "law" the words—

"Nor the voting nor granting of any public money in aid of the following matters."

He said that if the Irish Parliament was to be restrained from making laws in respect of forbidden matters, they clearly ought not to be allowed to spend public money upon any of the matters they were thus restrained from legislating upon. Of course, circumstances might arise which would make it necessary for the Irish Legislature to raise money by Vote on subjects on which they could not legislate; but this had already been provided for by the Amendment which had been admitted that afternoon.

Amendment proposed,

In page 2, line 19, after the word "law," to insert the words "nor the voting nor granting of any public money in aid of the following matters."—(*Mr. Harry Foster.*)

Question proposed, "That those words be there inserted."

MR. W. E. GLADSTONE: We considered the whole of this matter at the commencement of Clause 3, on the Amendment brought forward by the noble Lord the Member for Edinburgh (Viscount Wolmer). There are two answers to the hon. Member. The first is that the Irish Legislature can vote no money whatever, according to the provisions of this Bill, except on the recommendation of the Viceroy. The second answer is that all money voted must be appropriated by an Irish Act, which must be an Act which applies to the Public Service of Ireland.

MR. A. J. BALFOUR (Manchester, E.): I concur with what has fallen from the Prime Minister, so far as he says that the Committee did discuss on another clause points very analogous to the points raised in this Amendment: and, under these circumstances, I do not know that much can be gained by repeating the arguments which we used before—though, unhappily, with small effect—on the Government. And though, of course, I think we ought to accept words in this clause, and have accepted words in the last clause, carrying out the intention proposed first by my noble Friend the Member for Edinburgh (Viscount Wolmer), and now proposed by my hon. Friend behind me, I do not know that it is worth while again travelling over ground so nearly analogous to that which we travelled before.

Question put.

The Committee divided:—Ayes 234; Noes 269.—(Division List, No. 136.)

THE CHAIRMAN ruled the next two Amendments, as under, out of Order, they being appropriate to another and not to the present clause—

Mr. Hanbury—Clause 4, page 2, line 19, after "law," insert—"(1) Imposing any liability or conferring any privilege upon any subject of the Crown on account of parentage or nationality, or residence or non-residence in Ireland."

Mr. Barton—Clause 4, page 2, line 19, at end, insert—"Suspending or prejudicially affecting the right of any person to the writ of habeas corpus."

***MR. BARTLEY** (Islington, N.) rose to move an Amendment to leave out of the clause the first sub-section, providing

that the powers of the Irish Legislature shall not extend to the making of any law—

“(1) Respecting the establishment or endowment of religion or prohibiting the free exercise thereof ; or.”

The hon. Member said, as there was a second Amendment on the Paper, he would move to leave out of the subsection the first part which read “respecting the endowment of religion.” As the question of the establishment and endowment of religion in Ireland must form an essential part of the work of an Irish Legislature, it seemed to him an extraordinary position for them to think they were going to reconcile the Irish by taking away from them the very power which they all knew would form one of the main features and wishes of the Irish people. [“No, no !”] Possibly a certain number of Irish Members in that House might say they had no wish to do that ; but it seemed to him obvious when they recognised that an Irish Parliament was being established absolutely by the influence of the priesthood in Ireland—or practically established by that priesthood, and maintained by it—it seemed to him they were quibbling with the absolute facts when they ignored that fact. He himself did not see any great evil in allowing the Irish Legislature to do this. It was true, there was an idea that it would cut against certain interests in Ireland ; but still, if they did prohibit this, they would be laying up for themselves a certain amount of difficulty in dealing with the Irish Question. The Irish difficulties were twofold. There was, no doubt, the Land Question, but there was also the very large and perhaps even more permanently great question of religion ; and it seemed to him in these days they could not and should not ignore the fact that the religious feeling was very strong in Ireland. He was convinced that if they did restrict the Irish Legislature from in any way touching the establishment or endowment of religion, the result must follow that it would be done in an indirect manner. They had heard that this was quite possible by a system of endowing education, and paying teachers, and indirectly giving grants, not technically and absolutely for religion, but, still, in such a way as that it could be, and would be, made a system of indirect

establishment of that particular form of religion to which the majority of the Irish people belonged ; and, therefore, he thought when they were going to give the Irish people a Legislature—to which he objected very strongly—it was an absurdity to take away from that Legislature the very thing which, next to the land, was certainly the one to which they would devote most attention as soon as they had got into power in Dublin. If this restriction was not taken out of the clause directly this Legislature was passed, there would be an amount of irritation and agitation against the Imperial Parliament in order to make alterations in this particular clause. He thought it would be wiser and better to face this great question at once. If there was one thing more than another which showed the hollowness and mockery of the whole measure it was that of the Irish people acquiescing and silently agreeing to a clause which, practically, everyone of them knew in his heart he objected to and would do his utmost to upset. [“No, no !”] An hon. Member said “no, no ;” but if he went to Ireland and said the same thing, he would not be returned the same as at present. In order to test the sincerity of the whole thing, he ventured to move that the first part of the sub-section respecting the establishment and endowment of religion be omitted. He did not expect a great number of the Irish Members would support it ; still, he thought it would be an indication and evidence of their *bona fides* if they really put on record their view of this great question. He begged to move the omission of the words “Respecting the establishment or endowment of religion.”

Amendment proposed,

In page 2, line 20, to leave out the words “Respecting the establishment or endowment of religion.”—(Mr. Bartley.)

Question proposed, “That the words proposed to be left out stand part of the Clause.”

*MR. GIBSON BOWLES thought this was a clause which was entitled to the very particular attention of the Government. The Government were under the impression that they had proposed nothing in this Bill with regard to the restrictions as to the establishment and endowment of religion which was

not matched and bettered by other countries, notably by the United States of America. The Chief Secretary, for instance, was of opinion that the restrictions in this case were not so great as those placed in the United States of America by the United States Constitution. [Mr. J. MORLEY was understood to dissent.] He was going to point out that the right hon. Gentleman was mistaken in this view; and as the right hon. Gentleman now admitted it, he would simply quote in corroboration of that admission a statement of a Judge who was an acknowledged authority on the subject. He would not trouble the Committee but for the importance of the Amendment.

MR. W. REDMOND (Clare, E.): We are agreed.

*MR. GIBSON BOWLES said, they were not all agreed; and, although the Government had not shown a disposition to question the justice of the view he was placing before the House, he might refer them to the authority he was a moment ago about to cite—he meant, Judge Cooley. He wished to point out that, while they were professing to legislate on the ground of the American Constitution and on its lines, they were presenting in the Bill the American Constitution with all the goodness knocked out of it—with all its brains gone—and without its best parts, which were those parts that were borrowed from England. So far from the United States, as a whole, prohibiting the endowment of religion, the fact was that the law in various States showed the greatest possible diversity in regard to the profession of religious belief. In some States there was an article that a man could not hold office who entertained any doubt as to the existence of the Deity. He did not know whether the Irish Secretary (Mr. J. Morley) would care to adapt that to the case of Irishmen. [*Cries of "Oh!"*]

THE CHAIRMAN: Order, order!

*MR. GIBSON BOWLES said, the provisions of this Bill were exactly the contrary of those contained in the American Constitution, and the noble Lord the Member for Paddington (Lord R. Churchill) was right when he said that in no country in the world were there so many and such great restrictions as the Bill proposed to impose upon Ireland. They had the provisions of

distrust in various places. They had them in the case of the Judges, who were to have a special official to carry out the laws lest they should not care to do it or did not want to do it. But in no part of the Bill was the distrust so strong as in the clauses dealing with the establishment and endowment of religion. It had been said that religion was an affair of latitude. He admitted that climate did have some influence on the beliefs of a people; but the previous history of a country contributed to them. They knew that a special form of religion—a form of which he would not say one word in derogation, for he respected all religions, except only that belief which was called Atheism, and which was of no good whatever—had prevailed in Ireland as a result of the condition of her social state. Was not that a special reason why considerable liberty should be given to the Irish Legislature? Why should that country (Ireland) not have an equality of liberty with the American States, where such power was given to the Legislatures? [Mr. J. MORLEY was about to leave the House as the hon. Member was speaking.] Before the Chief Secretary quite left the House—[Mr. J. MORLEY here returned]—he would like to ask him whether he was prepared to give this amount of liberty in the Bill? As he had said, the noble Lord had described the Bill as having more restrictions in it than any Bill or Act in the world or any measure raising a Constitution that had ever been produced—

LORD R. CHURCHILL (Paddington, S.): I was not arguing in favour of an Amendment of this kind.

*MR. GIBSON BOWLES said, he was quite aware of that, and he had not quoted the noble Lord as supporting an Amendment in the terms and of the character of that introduced by his hon. Friend. The Irish Secretary had said that the countries upon which restrictions were imposed were satisfied with them; and he (Mr. Bowles) was not replying to the argument of the noble Lord, nor showing that he was advocating the policy of the Amendment; but he was endeavouring to show the difficulties by which the Bill was surrounded, and to point out to the Chief Secretary that, if they were to have Home Rule in Ireland, they should not

follow the policy which it was the evident object of the Government to adhere to.

MR. A. J. BALFOUR said, he could not vote for the Amendment, and he hoped it would not be pressed to a Division; but the Mover of the Amendment had at least one of those points, which they were always meeting in their Debates on the Bill, which placed before them the alternative whether this Bill would be a working measure or whether they were to endeavour to restrict the power which it was sought to impose on the Irish Legislature. Those who went in for Home Rule—those who were in favour of it—on the ground that it would give the people of Ireland liberty to manage their own business were, he thought, bound to vote for an Amendment of this kind. He was unable to conceive that an Irish Legislature, restricted as this Bill restricted that which it was proposed to set up, would be contented with its position. As his hon. Friend had pointed out, if they withdrew a power of this kind from the Irish Legislature, Irish feeling would be excited, and it was difficult to understand how there could be any belief or hope that the measure could become permanent. If he were a Home Ruler he should certainly vote for the Amendment, and he thought hon. Gentlemen who believed in Home Rule would act inconsistently if they did not vote for it, or, if it were not pressed, support it. Their not doing so, he thought, was calculated to raise a new phase of the Irish Question.

MR. W. E. GLADSTONE: No, no.

MR. A. J. BALFOUR said, the supporters of the Government would render the Bill innocuous. For his part, he could not, as he had said, vote for the Amendment, which would be not only opposed to the principle of his Party, but which would be also opposed to the sentiment of the British people. If the Bill was to be a lasting one, according to the principle advocated by the Government, it should be amended in the direction that had been suggested; but he was not anxious to add to the very large powers for evil which the Government proposed to confer upon Ireland.

MR. W. E. GLADSTONE: I shall not attempt to go into the argument

against the Bill or the statement which the right hon. Gentleman has made in respect of this Bill. My reason for not intervening sooner is that I was anxious to give an opportunity—as this Amendment would affect the power of the Irish Legislature—for the views of any Nationalist Member from Ireland who might feel it his duty to speak on the Amendment. For my own part, I confess I would not have the smallest fear in entrusting the Irish people with this power, dealing with the establishment or endowment of a particular religion or a particular Church, because I believe that the day for founding establishments of religion is gone by. Establishments of religion have always appeared to me to be accompanied by—not religious unity, but religious disunity—disunity of religious feeling, and that might result in a country where there is such a diversity of belief as there is in Ireland. But I do not believe that the Irish Members have any desire—not the smallest desire—to ask for, or to secure, the establishment of any religion. Complaint has been made that the Government did not in 1886 make any provision of this kind in the Bill of that year. But it was felt in many quarters since then that the great majority in Ireland who were attached to a particular religion might possibly be attracted to an idea of this kind in conformity with the form of their religion; and the Government were encouraged to consult the Irish Members in relation to the matter. Well, we now recognise—I, for one, do—that a concession has been made by Ireland—a generous concession—in surrendering the right to deal with this subject. I think the decision is a wise decision, and we desire to give effect to it and to support it. I do not know, but I think we may assume that, even if the Irish Legislature had the power, it would be most unlikely to exercise it. Therefore, we are not disposed to entertain the Amendment. If there is a restriction of Irish liberty, it is a restriction that is freely and voluntarily accepted by Ireland, and it is a restriction that will disarm apprehension from those who may have been disposed to think that an Irish Legislature would establish religion in Ireland.

MR. JESSE COLLINGS (Birmingham, Bordesley) said, the use of such an Amendment as this was an educational

one. It was intended to show to the country the inconsistency of the Government proposals. As had just been stated, the restriction now introduced was to disarm apprehension—it was to be a sop to the British people to convince them that the Irish minority would not be oppressed. But it seemed absurd to him that, after setting up an Irish Legislature and an Irish Government and Executive dependent upon it, they should exclude from its cognisance such things as religion and education. It should require very little talk to enable them to come to a conclusion on that point. The right hon. Gentleman would not give at present that which would be demanded in the future, and the granting of which this Parliament would be unable to resist. He would like to ask the Liberals whether, if in the future the Irish Parliament and the independent Executive of Ireland came to them and demanded the right to deal with religion and education, would they, or could they, oppose the justice of the demand? If these two matters were not matters of purely domestic interest he did not know what matters were to come under that description. The Prime Minister had spoken of the Irish Members as consenting to the restriction; but they could not give consent to it on behalf of Irish people at all times, and he thought British Members should feel humiliated at hearing from the Prime Minister that the Irish had surrendered as an act of generosity towards this country. If the Irish Members had conquered the British Government, it was to be remembered that they had not yet conquered the British people. The Government spoke of the Irish Nationalist Members and their followers as the Irish people; but there was, at any rate, one-fourth of the population in Ireland who were Irishmen, constituting the Protestant minority, left out of account by the Government. He would like to know if the Government were not prepared—they had not hitherto done so—to discuss the apprehensions of the Protestant minority? If they did, they would see that there was a fear that the Irish Legislature would establish and endow religion. The minority could only come to the conclusion now that the provision in the Bill was a mere paper safeguard. The Irish majority would have secured their object; and if they were

to have Home Rule he was not going to dispute their right to secure that object; but the discussion on the matter would show to the friends of liberty in England and to the Protestants in Ireland that there was nothing but a paper safeguard to disarm those who had apprehensions, and that the power, if not granted now, would be granted at a future time—when this Parliament would have no power to prevent the establishment of a Church in Ireland—supposing the Irish people desired it—an establishment for the support of which the Irish Protestant minority would be taxed, without any law existing to prevent the injustice.

MR. T. HARRINGTON (Dublin, Harbour) said, they had just listened to a very extraordinary speech from the right hon. Gentleman, and which might be taken in conjunction with the calumnies hurled against Ireland by himself and the Party he was associated with for the past seven years. And this attitude was assumed at a moment when, as a concession to the feeling of the Irish Protestant minority, the Irish Members were willing that the power of establishing religion or education should be removed from the purview of the Irish Legislature. It was not true that there would be any demand for an amendment of the Bill in this respect. He believed that if the Government had introduced a Bill with this provision, as proposed by the Amendment, not only the Irish Nationalists, but every section of opinion in Ireland, would have insisted that it should be removed from the Bill. They had agreed to the concession, their wish being to maintain the principle in the Bill. The Irish people were quite fitted to look after their various religions, and they did not want any law which would give them the power the Amendment sought to impose.

MR. BARTLEY said, as the Irish Members appeared to be satisfied that the Legislature should be subject to restriction, he would be content that the Amendment should be negatived.

Amendment negatived.

THE CHAIRMAN: The next Amendment in Order stands in the name of the hon. Member for York (Mr. Butcher).

MR. BUTCHER said, he rose to move—

In page 2, line 21, after "thereof," insert "or the disestablishment or disendowment of any Religious Body."

The object of the Amendment was to prevent the Irish Legislature from taking away or appropriating the property of any Religious Body. There was, for instance, the property of the Irish Church. They were aware that a good deal of that property was taken away under an Act of Parliament, whether rightly or wrongly he was not going to say. He thought he would be borne out by the Prime Minister, subject to whose correction he spoke, that the Church was allowed to retain the property acquired within a period of 80 years prior to the passing of the Act. It was not improbable, or at any rate impossible, that the Irish Legislature might assume that this property was of a semi-public character, and might wish to devote it to secular uses. The Legislature might say that the funds were semi-public, and should be used for what it might consider a better purpose. He took it that on no side of the House would there be any desire to appropriate any such funds as these. The only question was, was there any provision in the Bill preventing the Irish Parliament from acting in this way? He had looked through the restrictions in the Bill, and the only section he could find which it could be suggested would prevent such an act was Sub-section 3 of this clause; but he ventured to think even if it was intended that Sub-section 3 should apply to such a case as this, that intention was not carried out. Sub-section 3 said the powers of the Irish Legislature should not extend to the making of any law

"Abrogating or prejudicially affecting the right to establish or maintain any place of denominational education or any denominational institution or charity."

It occurred to him that those words were not intended to cover the case of the funds of a Religious Body at all, but were intended to cover denominational education, or a denominational institution or charity. But supposing these words "denominational institution" could be so extended as to cover a Religious Body, then he said the words of the Bill as they stood did not prevent the Irish Parliament from depriving such a Body as the Irish Church of the Church funds. The words only affected the right to

maintain the Irish Church. Could it be said that to take away a portion of the funds would affect the right to maintain the Irish Church? If so, the words were extremely inapt; and if the Government did really intend that the right of the Irish Church to maintain and keep their present endowments should not be affected, then he would ask them to introduce some words into the clause which would give effect to that object. As the matter stood at present, no layman reading the Bill would suppose the case he put was met by the words in Sub-section 3. He would ask the Government to introduce words to carry out the purpose intended. He moved, instead of the words in the Amendment, to insert after the word "or," the words "appropriating or diverting the property of any Religious Body."

Amendment proposed, after the word "or," to insert the words "appropriating or diverting the property of any Religious Body."—(*Mr. Butcher.*)

Question proposed, "That those words be there inserted."

MR. J. MORLEY: A word almost, I think, will be sufficient to answer the hon. and learned Gentleman; in fact, he has himself anticipated what the answer would be. We contend that this point is entirely met by Sub-sections 3 and 6. Sub-section 3 says they may not abrogate or prejudicially affect any denominational institution, and Sub-section 6 meets the case raised by the hon. Gentleman, for it saves any existing Corporation incorporated by Royal Charter or Act of Parliament, and the Episcopal Church is incorporated by Act of Parliament.

MR. A. J. BALFOUR: The object of my hon. and learned Friend who moved the Amendment is to prevent the appropriation of the funds of a religious denomination. The right hon. Gentleman, in reply, says the point is good enough in itself; but it will be met by Sub-section 3 of the Bill as it stands. [*Mr. J. MORLEY:* And Sub-section 6.] Sub-section 3 refuses the Legislature power to abrogate or prejudicially affect—what? Not a religious establishment or place of denominational education, or denominational institution or charity; but the right to establish such institution.

[Mr. J. MORLEY : Or maintain.] Yes ; but the word "right" governs the word "maintain." But taking away the funds of the late Established Irish Church does not prejudicially affect its right to maintain. I really cannot conceive, if legal language has the slightest analogy to the English language as ordinarily spoken, how anyone can really believe that Sub-section 3 can really cover the whole point raised by my hon. Friend ; and I hope if the Government are in favour of his view, they will, at all events, modify the language of the Bill, and make it perfectly clear that such funds as are left at present to the Church of Ireland or other institution shall not be at the mercy of the Legislature they propose to set up.

MR. V. GIBBS (Herts, St. Albans) asked what was the objection of the Government to accepting the words of the proposed Amendment ? They said they desired to produce the same effect as the hon. Member who moved the Amendment, who desired to put in plain words, whereas those of the Government only expressed what was intended very loosely and vaguely—if, indeed, they expressed it at all. He would point out that the Amendment would give satisfaction to those who were apprehensive of risk, and would in no way interfere with the object of the Bill.

MR. A. J. BALFOUR : A lapse of memory prevented me dealing with Sub-section 6, on which the Chief Secretary says he relies as supplementing Sub-section 3. Sub-section 6 says the power of the Irish Legislature shall not extend to making any laws.

"Whereby any existing Corporation incorporated by Royal Charter, or by any local or general Act of Parliament . . . be deprived of its rights."

Are we to suppose that every Religious Body is incorporated either by Act of Parliament or Royal Charter ? We all know that is not the fact, and Sub-section 6, as it stands, is as powerless to cover the intention of the Government as I think I have shown that Sub-section 3 is. There is really no point of substantial difference between the two sides of the House, the only point being as to legal draftsmanship. I would, therefore, ask the Solicitor General to consent to the Amendment of my hon. Friend, or introduce words

equivalent to it, or show in some more satisfactory manner than has been shown up to the present that the words of the Bill carry out the intention which the Government agree with my hon. Friend should be covered.

*SIR J. LUBBOCK (London University) pointed out that though the 6th sub-section forbid the Irish Parliament to make a law, it permitted the object to be effected on an Address, which came to the same thing. Therefore, as he read the sub-section, if both Houses combined to present such an Address, what it was intended to prevent by the Amendment could be done. Neither Sub-section 3 nor Sub-section 6 really effected the object of the Government, and he hoped they would receive some assurance from the Government that they would either accept the Amendment or introduce other suitable words.

MR. KNOX (Cavan, W.) said, that no Irish Member wished to disendow or disestablish further than had already been done any Religious Body in Ireland. So far as the Church of Ireland was concerned—that was the Protestant Episcopal Church—it was fully met by Clause 6, because it was a Corporation, having been incorporated by Act of Parliament. There were other Religious Bodies which were not Corporations, or incorporated by Act of Parliament ; but in that case Sub-section 5 fully dealt with the matter, because in those cases the property of these Religious Bodies was vested in trustees, and those trustees could not be deprived of their property without due process of law. He maintained that the matter was fully dealt with by the Bill as it stood.

MR. RENTOUL (Down, E.) said, the hon. Member who moved this Amendment had before his mind the Irish Church. But there was another Church in Ireland, the Presbyterian Church, which was very materially affected by this matter. The Presbyterian Church was, to a certain extent, an endowed Church. It was disendowed at the same time that the Irish Episcopal Church was disendowed and disestablished ; but there was a grant of commutation money given to that Church which amounted to considerably over half its entire previous income. That money, received directly from the Government, was invested by the leaders of the Irish Presbyterian Church, and

was still so invested ; and consequently that Church was at the present time in an indirect way an endowed Church, receiving income from money which came directly from the Imperial resources of this country. That being so, it would be perfectly natural that the Irish Legislature might say that they would carry out to its fullest extent the principle of disendowment which was passed by that Parliament in 1869, and take away the money given to the Irish Presbyterian Church at that time, and which constituted, in point of fact, an endowment of that Church at the present moment. The point with regard to incorporation which had been referred to as regarded the Protestant Episcopal Church did not, in the slightest degree, apply to the Presbyterian Church ; and it seemed to him that from that point of view there did need to be put into this Act something clearly safeguarding the Irish Presbyterian Church in this matter, especially as it probably would have very few Representatives in the Irish Parliament. It should, therefore, have every protection not only as regarded the endowment it had received from the Treasury, but also as regarded the great funds it had established for itself, so that the Irish Legislature in the future could not possibly lay its hands on any of these funds. It might be contended there was no danger of this, but the Irish Legislature could not claim to be more honest than the English Legislature ; and if the Imperial Parliament, according to the opinion of many of them in 1869, laid its hands on the funds of the Church of Ireland, it was possible the Irish Legislature, following the example thus set, might interfere in connection with these funds of the Irish Presbyterian Church, and he earnestly appealed to the Prime Minister to accept the Amendment, or similar words to carry out the object aimed at, and safeguard a very large amount of valuable property connected with the Churches in Ireland.

MR. WYNDHAM (Dover) urged the Government to agree to the Amendment, or insert words to safeguard the property of the Churches. No one had answered the contention of the right hon. Baronet the Member for the University of London that even supposing the Church to which allusion was made was covered by the definition of a Corporation in the sub-section and the words in the

same sub-section " without due process of law," there still remained the fact that the Irish Houses of Parliament could deprive them of their property upon an Address. What was the difference between depriving them of it by Address or by law ? If that point was unsound, let the Government point out where the unsoundness lay ?

LORD R. CHURCHILL: I should like to ask the Solicitor General whether

" Prejudicially affecting the right to establish or maintain any denominational institution "

would cover the case of the Protestant Church Synod or the case of the Presbyterian Endowments ?

MR. J. MORLEY thought the criticism of the right hon. Gentleman the Leader of the Opposition was not an unjust one, and said that, in order to meet that and other objections raised, the Government would propose to add at the end of Sub-section 3, when it came on in due course, these words, " diverting the property of any Religious Body."

MR. BUTCHER : I am much obliged to the Chief Secretary. I certainly assent to that, and it meets the object I have in view.

Amendment, by leave, withdrawn.

MR. A. J. BALFOUR moved to add to the end of the sub-section the words " whether directly or indirectly." In a Second Reading speech the noble Lord the Member for Paddington pointed out with unanswerable force that though it might be impossible under this Bill directly to endow religion it was perfectly easy to indirectly endow religion ; and he showed how in connection with national or industrial schools or otherwise, it might be possible to give something which could not be defined by law as endowment of religion, but which would, in effect, turn the Roman Catholic clergy in Ireland into a State-supported Body. He thought it was, therefore, important these words should be introduced.

Amendment proposed, to add to the end of the sub-section the words " whether directly or indirectly."—(Mr. A. J. Balfour.)

Question proposed, " That those words be there added."

MR. J. MORLEY did not think the words would add very much to what was

already intended and provided for in the Bill. He would also point out that the words would come in very awkwardly at the end of the clause. The Government had no objection in principle to the insertion of the words.

MR. COURTNEY suggested that the words should come immediately after the word "religion."

LORD R. CHURCHILL: Do I understand the Chief Secretary will accept these words "directly or indirectly"?

MR. J. MORLEY: Yes.

MR. KNOX said, that he did not say that any Irishman wished to endow religion directly or indirectly, so that on the merits of the matter he did not think they had any objection. At the same time, as a matter of drafting, he could not conceive anything more unhappy than the insertion of these words in this particular place. If these special words were to be put in after the sub-section similar words ought to be put in after every sub-section in all the various clauses. For instance, Sub-section 2 prevented the Irish Legislature from imposing any disability, or conferring any privilege, on account of religious belief. He would take it that they were not to be allowed to do that directly or indirectly.

LORD R. CHURCHILL: But this is going in after the word "religion."

MR. KNOX said, he was referring to Sub-section 2, to show that, if it was necessary to insert it in the 1st sub-section, it was necessary to insert it in the other. In the same way, he might go through every sub-section of the clause to illustrate the same principle. While he had no objection to the insertion of the words, he must say the only effect they would have would be to imply that they might indirectly, by other sections, do the things they were prevented from doing by this section.

MR. JOHN DILLON (Mayo, E.): Whilst I join with the hon. Member who has just spoken in saying there is not the slightest desire on the part of any hon. Members from Ireland to retain in the Bill any power to endow religion in Ireland, either directly or indirectly, still I think, before these words are accepted by the Government, we ought to have some opportunity of considering,

with legal advice, what the full effect of these words would be. I would point out that we have only considered them for a very short time, and on the moment I am not prepared to say to what extent the insertion of such words as those would affect the endowment of certain Charities which are at present largely endowed by this House, and which, I think, every Member on both sides would admit, it would be very undesirable to interfere with in the slightest degree. If I knew, or if we knew, that the acceptance of these words would not interfere with such Charities, I should not have the least objection to them; but, before the words are actually accepted, we are entitled to know to what extent they might possibly interfere with industrial schools and other institutions in Ireland, which no hon. Member would desire to see interfered with.

*SIR J. RIGBY: It may very well be that the hon. Member who has just spoken is right with respect to endowments of Charities. I take it it is not intended by either side to say that anything that is now being done in Ireland shall be illegal for the Parliament of Ireland in respect of these Charities. If there be Charities or institutions now receiving State aid, it would be a very strange thing if this Bill, by a side wind, were to take away from them those rights to receive such aid. There may be schools which are in one sense denominational, but which are perfectly qualified for receiving, as they actually now receive, grants throughout Ireland. I presume the greater part of the schools are denominational—that is, under the control of one Religious Body or another. I believe also that a vast number of schools are only attended by scholars of one particular denomination, nevertheless they comply with the requirements of the Education Code by having a Conscience Clause. It would be a very unfortunate thing if all such grants given in aid of education now were to be put an end to by the force of these words, and I am sure no one would desire that. These words "directly or indirectly" are not apt words. Of course, if you prohibit in a general way a thing being done, you prohibit its being done, whether directly or indirectly, and the words proposed would not render more sure of prohibiting the endowment of religion.

MR. A. J. BALFOUR : It appears to me that the learned Gentleman is labouring under a mistake. He appears to think that we propose to take away existing endowments or subventions from various Charitable Bodies. It is evident that that is not the case. By introducing these words we do not affect for good or for evil any existing system. I am bound to say that I think the hon. Member for Mayo was perfectly right in saying that this matter requires more consideration than we have given it. The hon. Member desires that the Irish Parliament should be left ample power to increase to any extent subventions to Denominational Institutions when they are Catholic, and to reduce the subventions when they are Protestant.

MR. DILLON said, he thought the denominational system, both of Protestants and Catholics in Ireland, was a system which had been selected for industrial schools, and he would expect the same justice to be shown to them.

MR. A. J. BALFOUR : I am quite aware that the hon. Gentleman did not say a single word indicating that his policy would be to disendow the Protestant schools. That is not the point. The point is what may or may not be done by the new Irish Legislature if the power which the hon. Member desires it should have were given to it. There are in Ireland hospitals under purely Catholic management, and hospitals under purely Protestant management, and the endowments and funds of these Institutions have, unhappily, given rise to the most bitter controversies. I want to know whether the Government think that the Irish Parliament ought to have the power of dealing with Denominational Institutions of that kind? If the Irish Parliament is given that power it may use it for sectarian purposes to the disadvantage of the Protestant community. Nothing can be plainer than that the Irish Government will have the power of turning the legislative authority which you are giving them to a use as purely sectarian as possible.

***THE SECRETARY OF STATE FOR THE HOME DEPARTMENT** (Mr. ASQUITH, Fife, E.) : The answer to the right hon. Gentleman is twofold. In the first place, I say that if the Irish Legislature used their power for the purpose indicated, such action would come

within the prohibition, and would be a violation of the prohibition. My second answer is that, if that is not sufficient, the matter which the right hon. Gentleman regards with apprehension as a possibility is equally prohibited by Sub-section 2 of this same clause, because undoubtedly such legislation would, in effect, amount to the conferring of a privilege on account of religious belief.

LORD R. CHURCHILL (Paddington, S.) : I am inclined to agree with the right hon. Gentleman, that in no case can endowed schools of either creed be interfered with by the Irish Legislature; but taking two great endowments—Maynooth College, which is Roman Catholic, and Magee College, which is Protestant-Nonconformist—it is quite clear that any preference given to one or the other would be a violation of Sub-section 3.

***MR. GERALD BALFOUR** (Leeds, Central) said, he thought the words proposed to be inserted would hardly be grammatical. He would suggest that they should be "direct or indirect."

MR. V. GIBBS thought the Government had not quite made up their minds what course to take.

SIR R. TEMPLE (Surrey, Kingston) said, it seemed to be thought that if a grant were given to a school it might be construed as an endowment of religion. He would remind the Committee that in England Roman Catholic schools received grants, and so did infant schools. In no case could grants made under this authority be construed as an endowment of religion. But it might be an indirect endowment of religion if the Irish Legislature were to determine that all the masters of certain schools should be priests.

MR. KNOX (Cavan, W.) thought it a pity that an Amendment which had been described by the Law Officer of the Government as inept should be accepted.

MR. A. J. BALFOUR : As I understand our present system, the Training Colleges are provided with sums from the annual Vote, which is made effective by an Appropriation Bill that comes to an end every year. As I understand the restrictions in this clause, the Irish Government could not bring in a new Vote in Supply, covered by a new Appropriation Bill continuing the old endowment to these Religious or Denominational Bodies. We are all anxious that the

Training Colleges should not be dealt with by this Bill, and I am of opinion that you will destroy Training Colleges.

MR. T. HARRINGTON (Dublin, Harbour) said, he thought it was clear that the words proposed increased the difficulty pointed out by the right hon. Gentleman, and the Government should not, therefore, accept them.

MR. MACFARLANE (Argyll) suggested that a Proviso should be inserted that the prohibition should not apply to existing Institutions.

MR. W. E. GLADSTONE: We agree with the right hon. Gentleman in what he desires, but we do not agree with him as to what the effect of the Act will be. There is no doubt whatever that the cases of Training Colleges fall exactly in the same category as the cases of ordinary schools.

MR. A. J. BALFOUR: While the system of primary education in Ireland is avowedly undenominational that of the Training Colleges is avowedly denominational.

*MR. MATTHEWS (Birmingham, E.): It results from what has fallen from the Prime Minister, that the sub-section does not give any protection whatever against the evils which it is acknowledged might be created; it will not prevent the Irish Legislature from endowing places of education in which the principles of one denomination are taught.

Amendment agreed to.

*SIR H. JAMES (Bury, Lancashire) moved to insert the following words at the end of the 1st sub-section: "Respecting the disposition of property for charitable, pious, or religious uses, or." He hoped he might be permitted to remind the Committee of the very great importance of the subject. On our Statute Books, from the very first, and all through the Middle Ages, was to be found the records of the contest waged between the State and the ecclesiastical ingenuity with regard to the bequests of property. The object of the State was to prevent property passing into the dead hands of Corporations through ecclesiastical influence over persons in their dying moments. The contest was long and severe, and displayed great ingenuity and erudition on the part of the Ecclesiastical Bodies; but the influence of the State

prevailed, and no one could deny that this was for the public benefit. They had prevented real property being disposed of under any circumstances by will for religious, charitable, or pious purposes. They had also laid down exceptions in favour of some charitable uses which were purely charitable. The result had been very satisfactory. It was shown by a Consolidation Act passed in 1888, which controlled dispositions in favour of charitable uses. But that Act did not apply to Ireland or to Scotland. The Irish legislation on this subject was the legislation of an Irish Parliament which existed under different conditions from which an Irish Parliament could ever exist in the future. Restrictions applying to Ireland were also passed by the Imperial Parliament, and the question was, whether the future Irish Legislature was to have the power to alter this wise legislation adopted in the general interest? He did not desire to introduce questions of religious controversy into the discussion, but they could not disguise from themselves the enormous powers exercised by Ecclesiastical Authorities in Ireland; and if it were wise to prohibit in Great Britain ecclesiastical influence being used on a person on his deathbed to acquire property for Ecclesiastical Corporations, was it not still more necessary to see that this legislative prohibition prevailed in Ireland? They had examples recently of the enormous force of the ecclesiastical power in Ireland when exercised in elections. That meant an influence on legislation, for if ecclesiastics in Ireland could return Members they could induce these Members to legislate as they desired. Therefore, there was a greater necessity in Ireland for these populations than in Great Britain. The Statutes of Mortmain were directed against the influence of the priests; the priests naturally would be desirous to repeal them, and there was no doubt that they would be repealed if the power were left to the Irish Legislature. It might be said that in such a case the veto would come into operation. But the veto meant nothing but friction, and disastrous friction. It was better for the Imperial Parliament to interfere now, before the Bill had passed, than after the Irish Legislature was established. The Imperial Parliament should now see that while a gener-

ous freedom was allowed in Ireland for the exercise of charity, there should be some restrictions to prevent bequests of land to the injury of the general public. He begged to move his Amendment, adding the word "charitable" to it, as it stood on the Paper.

Amendment proposed,

In page 2, line 21, after the word "or," to insert the words "respecting the disposition of property for charitable, pious, or religious uses, or."

Question proposed, "That those words be there inserted."

*SIR J. RIGBY: This Amendment is greatly extended by adding the word "charitable," and I do not think the right hon. Gentleman has given us sufficient reason why we should adopt it. It must be remembered that Ireland and England are not on the same footing as regards the Law of Mortmain, regulating the leaving of land for charitable purposes. The law that applies to England does not apply to Ireland, and the effect of this Amendment would literally be to prevent the Irish Legislature from making the law exactly the same as it is in England now. There are differences of considerable importance between Ireland and England in the matter of charitable bequests. For instance, a bequest of money for the payment of Masses is illegal in England and is legal in Ireland. The Imperial Parliament has always recognised that it is not good policy to attempt to apply to Ireland the same law as to charitable bequests which applies in this country. If we adopted this Amendment it would be a retrograde step instead of a step forward. We ought, I think, to leave the existing system to the Irish Legislature to deal with as they think fit.

DR. KENNY (Dublin, College Green) said, he was glad the Government did not intend to accept the Amendment; for if it were accepted, it would withdraw from the Irish Parliament the very important power of inquiring into the disposition of charitable funds in Ireland. He was strongly convinced that it was a subject which the Irish Parliament would have to inquire into in the near future, in order to secure that charitable funds were disposed to the best advantage of the country; but if the Amendment were adopted such an inquiry would be

rendered abortive, as the Irish Parliament would be unable to legislate in accordance with the result of the inquiry.

MR. J. CHAMBERLAIN (Birmingham, W.): I do not say whether the argument is very important or not, but it appears to me that the argument which the Solicitor General has advanced against it has very little weight. I cannot make out whether his view is that the law of Ireland ought to be assimilated to the law of England or not. No one disputes that the law of the two countries is different. But whether the Solicitor General objects to this Amendment because it would prevent the assimilation of the law, or whether he objects to it because it would lead to the assimilation of the law, I cannot for the life of me make out. I say that if it were desired by a majority of the Irish Representatives to assimilate the Irish law with the English law, there would be no difficulty whatever in obtaining that assimilation in the Imperial Parliament, in which there would be at least 80 Irish Representatives. On the other hand, it is not likely that the Imperial Parliament would ever be desirous to alter the existing Irish law against the will of the Irish people in order to assimilate it with the law of this country. But as the law exists at present in Ireland it applies great restrictions to those testamentary bequests. It is quite true that the restrictions are not the same as under the English law; but the restrictions are there, and, on the whole, those restrictions are thought necessary and advisable. That being so, why not leave the law as it is; and if a proposal is made to alter it, why not require that it shall be considered by the wisdom of the Imperial Parliament? There can be no question as to the necessity for these restrictions. In Canada, where there are no such restrictions, the consequences have been, as I consider, most disastrous, because an immense amount of the land of the country has fallen into the hands of the priesthood, and in the hands of the priesthood it has not been utilised to the greatest advantage to the welfare of the country. Hon. Gentlemen opposite tell us that, so far as they are concerned, they do not desire anything in the nature of an endowment of religion, or an increase of the power of the priesthood, and that they would be the first to resist

it. Well, but would not this Amendment strengthen their hands? Would it not be much easier for them to resist the encroachments of the priesthood if they could say to the priests—It is no use your pressing this; we would have to go to the Imperial Parliament for it, and in the Imperial Parliament we would be in a minority on this point." If the Irish Parliament has the power of dealing with it, it is perfectly certain that whatever hon. Members opposite may say or do, the priesthood will make a demand for it. [*Cries of "No!"*] The thing is perfectly certain. We know enough of the history of the Catholic priesthood to be perfectly certain that this demand will be made. They have never accepted as satisfactory, just, or wise the provisions against testamentary bequests, and it is perfectly certain that when a Legislature exists by which they will have some chance of having their views accepted they are sure to put pressure on that Legislature.

MR. W. E. GLADSTONE: The right hon. Gentleman in his speech has overlooked a consideration which I think is most material to this Debate. On Clause 3 we considered a number of subjects, many of them of very great weight, others of more or less importance, with respect to which we recognised that the Irish Legislature should have no power of making laws, and which should be entirely reserved to the Imperial Parliament. But we have now passed, on Clause 4, to a totally different field of subjects. We have just prohibited the Irish Legislature from endowing or establishing a religion; but by so doing we do not mean to reserve that subject to the discretion of the Imperial Parliament. It would be a strange and startling announcement to the world if people were to understand—if our Nonconformist friends were to understand—that we did not prohibit legislation for the establishment and endowment of a Church in Ireland, but only declared that it was not a matter for the Irish Parliament, but for the Imperial Parliament. Therefore, the right hon. Gentleman has overlooked this important fact: that on this clause we are dealing with matters which we intend not merely to take out of the hands of the Irish Parliament, but which we think should be excluded altogether

from the field and purview of legislation, whether by one Parliament or by the other. The effect of the Amendment would, therefore, be to insert the subject of mortmain amongst the subjects that should not be dealt with at all; and according to the scope and spirit of this clause, the implication would be that the laws were to remain exactly as they are, and should not be altered at all. On the general question, I am strongly opposed to the locking-up of land by the priesthood; but I object to the Amendment, because this is not a question merely of restraining the Irish Parliament from promoting a great extension of the Law of Mortmain. I have no reason to doubt that the Irish Legislature would not be possessed of the knowledge requisite for the right dealing with this subject as well as any other Legislative Body. I believe the Irish Parliament will desire to put the land in the hands of the people, and in order to get the land into the hands of the people they will be most desirous of getting it into the market and not let it get into mortmain, which would take it out of the market, and thereby frustrate the sound policy of the Irish Legislature. This Amendment would not only prevent the Irish Legislature from touching mortmain, but it would prevent it from touching the Law of Charitable Bequests at all. Are they to be prevented from making laws with reference to personal property left for charitable uses? That would be a most unreasonable restriction to impose, especially as we are not now dealing with subjects which are reserved to ourselves, but with subjects that are to be taken outside the purview of legislation, whether by the Irish Parliament or by this Parliament. I see no reason why the Irish Parliament should not be left to exercise their own discretion in the matter. If I am told that there would be great ecclesiastical pressure brought to bear on the Irish Parliament, to secure the bequeathing of land in Ireland for religious uses, I say, looking to the history of Ireland, that a very strong ecclesiastical movement for taking a large quantity of land out of the limited land market of the country would be discouraged by the people; and as the Catholic Church must, as a Voluntary Church, keep in the closest harmony with the people, there is, I think, no danger of such a state of things.

MR. A. J. BALFOUR: The right hon. Gentleman has urged a general objection to this Amendment, and a particular objection. His general objection is that the Amendment is not relevant at all to the clause, which he says is constructed not with a view to seeing that certain matters shall be excluded from the purview of the Irish Parliament and given to the Imperial Parliament, but of prohibiting certain legislation by any Parliament. That is the most astounding statement I ever heard. There is no allusion to the Imperial Parliament in the clause. There is not a suggestion in the clause that the Imperial Parliament is to be debarred from these matters; and if there was such a suggestion, it would be absurd on the face of it. The idea that the Imperial Parliament is to pass a Bill declaring that the Imperial Parliament shall not legislate on certain matters is surely the most fantastic legislative proposition that ever came from the brain of man. If I may be allowed to put a more rational interpretation on the right hon. Gentleman's own Bill, I would say that Clause 3 obviously is intended to deal with those matters which are not purely Irish, and Clause 4 obviously is intended to deal with matters purely Irish. But the idea that in Clause 4 we are laying down a law for all time binding not only the Irish Parliament, but the Imperial Parliament is utterly absurd, and I venture to brush it aside. I come to the particular argument of the right hon. Gentleman. He says that while it would be very inexpedient that large tracts of land should be handed over for religious or charitable purposes he does not anticipate that even if we leave Ireland free to deal with the matter the evil will ever arise, and he went on to state a reason for that belief. His reason is that, the amount of land in Ireland being limited, the Roman Catholic Church would render itself extremely unpopular if it were to withdraw any large amount of land from the market. In one sense land in Ireland is limited. That is to say, that the number of persons who desire to be tenants is in excess of the tenancies, and hence the hunger and competition for land which has done so much injury to Ireland in the past. But what is affected by this question is not the tenant right, or the occupation right, but the landlord right. Is there so much

competition for the landlord right in Ireland that the Roman Catholic Church would render itself unpopular by becoming a landowner? The right hon. Gentleman knows that the number of persons desirous of selling land in Ireland is so much in excess of the number of persons desiring to buy it that, practically, the Landed Estates Court is choked and drugged by the unsaleable estates thrown on its hands. Therefore, I do not see the slightest relevancy of the force in the argument of the right hon. Gentleman that there would be an ill-feeling against the Roman Catholic Church if it employed some of that land for religious or charitable uses. Certainly the Catholic Church in Ireland has never shown itself adverse to becoming the owner of land, and I believe that at present a large amount of its property is in the form of land mortgages. There is a danger in Ireland of a large amount of property accumulating in the hands of ecclesiastical persons; and as the right hon. Gentleman desires to prevent that evil no less than the right hon. Gentlemen the Members for Bury and West Birmingham, I cannot see why he should not accept the Amendment.

*MR. BARTLEY said, he had moved the Amendment to allow the Irish Parliament to endow religion if it thought proper to do so. The objections of the Government meant that they were going to allow the endowment of the Roman Catholic religion in an indirect manner—by the endowment of industrial schools and other ways. Here was an Amendment to prevent interference with the Law of Mortmain in Ireland, and it was objected to by the Government. That showed that there was a desire on the part of the Irish Members to endow their religion. He should not object to that if it were honestly and straightforwardly done; but he protested against its being done indirectly.

*MR. HENEAGE (Great Grimsby) wished for some clear statement as to what was intended by the clause. They had had a most startling announcement that this was not a clause simply affecting restrictions, but that every one of the subjects mentioned in the section were to be kept not only without the purview of the Irish Parliament, but without the purview of the Imperial Parliament,

MR. W. E. GLADSTONE : We have no power to bind the Imperial Parliament, but simply to express our opinion. These are projects of legislation that ought not to be entertained.

***MR. HENEAGE** said, that as it was only a question of a pious opinion and not of law that was dealt with, what was the meaning of the 1st section

"Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof."

Could the Imperial Parliament in the future disestablish or disendow the Church of Wales or of England or Scotland? [*Cries of "Oh!"*] It was all very well for hon. Members to cry "Oh!" but they could not have read the clause, or did not understand it. The right hon. Gentleman had put a different light on the matter, and they wanted to know what was the real fact. Could the Imperial Parliament deal with any of these subjects?

MR. DUNBAR BARTON (Armagh, Mid) said, that if the Prime Minister's construction of the clause was correct, an injustice would be done to the Unionists. They had put down several Amendments to Clause 3, which they were told should be taken on Clause 4. If the right hon. Gentleman were correct, the Unionists would be shut out from the consideration of these matters. He (Mr. Barton) held that they would be justified in considering each one of these questions when it came up.

Question put.

The Committee divided :—Ayes 143 ; Noes 187.—(Division List, No. 137.)

SIR H. JAMES said, the next Amendment stood in his name. Its object was to enlarge the meaning of the word "privilege," and he hoped the Government would accept it.

Amendment proposed,

In page 2, line 22, after the word "privilege," insert the words "advantage or benefit."—(*Sir H. James.*)

Question proposed, "That those words be there inserted."

MR. J. MORLEY said, he did not think the words were required. They had no desire to narrow the word "privilege"; but if the right hon. Gentleman wished to have the words inserted the Government would not oppose them.

Question put, and agreed to.

MR. GRIFFITH-BOSCAWEN

(Kent, Tunbridge) said, he rose to move, in page 2, line 23, to insert, after "belief," the words "or political opinions." If the Amendment were adopted the clause would provide that the powers of the Irish Legislature should not extend to the making of any law

"Imposing any disability, or conferring any privilege, on account of religious belief or political opinions."

He recognised that it was not only possible, but extremely probable, that an Irish Legislature would endeavour to impose disabilities or confer privileges on people on account of their religious belief; but he thought that it was even more probable that they would be likely to do it on account of political opinions. The object of his Amendment was to safeguard those Loyalists who had been contending against what he might call the Nationalist movement in Ireland, and who, therefore, would be open to the resentment of the Nationalists when they had secured their Parliament. There was more likelihood of persecution on account of political opinions than there was on account of religious belief. It was more probable that the Loyalist would be persecuted as such than that the Protestant would be persecuted as such; and, therefore, if a safeguard was necessary in the case of the latter the safeguard was far more necessary in the case of the former. He had arrived at this belief by studying the nature of the Nationalist movement. That movement might have assumed in recent years a somewhat clerical aspect; but it was perfectly certain that in its beginnings and throughout the whole of its career its main objects had been agrarian and political, and the clerical objects had only come in afterwards by the way. That was clear from a study of the speeches of the late Mr. Parnell or any of his lieutenants. Their object was to drive out of Ireland what they called the English garrison, and to strike at landlordism, and through that to obtain either absolute separation or something which effectually answered to the ideal of Irish nationality. It was clear from those speeches and the findings of the Special Commission that the object of this movement had been political. In Ireland there were two

racés—the Celtic, which was striving for Home Rule in order that they might get the upper hand, and the English planters. The former had been on the Nationalist side and the latter on the Unionist side ; and it was highly probable, when the former had secured Home Rule that they could deal out scant justice to the men who had resisted their movement. He stated that as a probability. But he could go far beyond probability. The Nationalist Members had declared that when their time of power came they would remember who were their political opponents. In the Irish Parliament he had no doubt a leading Member would be the hon. and learned Member for North Louth (Mr. T. M. Healy), who, speaking at Boston in December, 1881—

THE CHAIRMAN pointed out that the hon. Member was not confining himself to the object of of his Amendment.

MR. GRIFFITH-BOSCAWEN said, he could assure the Chairman and the Committee that the quotations he desired to make bore directly upon the Amendment. In December, 1886, the hon. Member for East Mayo (Mr. J. Dillon) said this was a struggle to put an end to a system set up in Ireland by Cromwell, and when they had done that they would remember who had been their friends and their enemies, and would reward one and punish the other. The hon. Member for North Louth (Mr. T. M. Healy), referring to the Resident Magistrates, declared that the National Party, when they came into power, would know how to deal with these “lily-souled assassins”—men whose only crime was that they had carried out the law of the land. In view of such deliberate statements, it was necessary Parliament should protect the people who had resisted the revolutionary movement in Ireland, and done their duty in administering the law, from being persecuted and trampled under foot. He would like to ask the Chief Secretary, if he thought it necessary to safeguard the religious minority, why he did not also think it necessary to safeguard the political minority? The difference was political rather than religious. Anyone who understood the circumstances of Ireland would see that a safeguard was necessary. At present they had only got the safeguard of the Legislative Council, which the minority regarded as of no use whatever. No doubt the right hon. Gentle-

man would tell them that these words were useless, and could not be enforced if embodied in the Bill. Well, a great deal might be said upon that point ; but if these words could not be enforced there, neither could any clause in the Bill. They were giving these powers in the belief that the Irish Legislature could and would carry them out ; but surely, if they argued that this Amendment could not be carried into effect, they might say also that they could not carry out any of the safeguards or restrictions. For these reasons he ventured to submit the Amendment to the House,

Amendment proposed,

In page 2, line 23, after the word “belief,” to insert the words “or political opinions.”—*(Mr. Griffith-Boscawen)*

Question proposed, “That those words be there inserted.”

MR. J. MORLEY said, he was quite confident the hon. Member knew the Government could not accept the Amendment, which, indeed, was scarcely deserving of serious consideration. The hon. Member's speech really went against setting up at all the Legislature which the House and the Committee had in various ways agreed to set up. As for safeguards for the minority, did the hon. Member suppose that the acceptance of this Amendment would constitute a safeguard against such dangers as he anticipated? The idea was really too childish, and they must repudiate it.

MR. PLUNKET (Dublin University) said, that if it was necessary to protect people in Ireland from persecution in respect of their religious belief, it was no less necessary they should be protected on account of their political opinions. If they were not going to give protection in one case, why did they give it in the other? He submitted there was nothing inconsistent in the argument of his hon. Friend who moved the Amendment, and that on the construction of the Bill, according to the Government itself, this restriction ought to be placed in it.

MR. RENTOUL (Down, E.) said, he wished to support the Amendment. If this Bill became law the Unionists and the Loyalists in Ireland would be in a hopeless and a miserable minority for many years ; and, therefore, it was

necessary that protection should be afforded them. He could tell the Committee that the differences in regard to politics were much keener than those in regard to religion in Ireland. They had gentlemen in the Nationalist Party who were Protestants, and who were accepted of the Catholic majority because they were Home Rulers; while they had the case of the hon. and learned Member for one of the Dublin County Divisions (Mr. W. Kenny), who, though a Catholic, was bitterly opposed in Dublin because he was a Unionist. It seemed to him perfectly clear that if they were to have a safeguard at all, it should be in the matter of political feeling and opinions. The political feeling in Ireland and England differed greatly in character. It would be hardly credible to some Members of the House how great the difference was. In England each Party had its turn in Office; but the Party in Office was kept in check by the knowledge that its turn would not be of long duration, and it made its appointments accordingly. But, as he had said, the Unionist Party in Ireland would be in a hopeless minority for many years to come. They would not be more than one-fourth of the numbers of their opponents, and the smaller they were the more necessary was it that they should have adequate safeguards. It was claimed that a large number of Protestants were Home Rulers; and, if all that was claimed were true, then the Unionists as a body must be smaller in number than the Protestants in whose favour a restriction had been inserted. Why should they not insert a restriction for the smaller body—the Unionists? The analogy of England did not lie at all, for, in England, the minority was one that could not be over-ridden. He hoped, on all those grounds, that the Government would agree to the Amendment.

*SIR R. TEMPLE (Surrey, Kingston) said, he would desire to point out to the right hon. Gentleman the Chief Secretary that the assumption of a somewhat offhand and contemptuous mode of treatment of these Amendments was not calculated to disarm opposition to the clauses of the Bill. The right hon. Gentleman had evidently thought it possible that persons in Ireland would obtain privileges, or would have restrictions imposed

upon them, on account of their religious belief.

MR. J. MORLEY said, that he did not entertain that idea. Had he done so he should not give Home Rule to Ireland.

*SIR R. TEMPLE said, in that case, why had the right hon. Gentleman introduced a safeguard into the Bill that would protect persons from having restrictions imposed on them on account of their religious belief? The point, however, was that there might be disabilities imposed on account of political belief. The Leaders of the Irish Party out-of-doors had exhausted the resources of the Hibernian language—making every allowance for its exaggerations—in threatening what they would do to their political opponents when they obtained Home Rule. That was the reason why an Amendment of this kind was necessary as a safeguard for political freedom, and he hoped it would be pressed to a Division.

MR. H. C. PLUNKETT (Dublin Co., South) said, he hoped the Amendment would be pressed to a Division, and that the right hon. Gentleman would deign, at all events, to argue the point. It might be a great hardship to bring forward the Amendment at a quarter past 9, as had been done; but, at all events, it was his intention to argue it at 20 minutes past 9. He had never accepted the view that Irishmen need be afraid of persecution on account of their religious belief; but he thought that they were likely to suffer on account of their political opinions. He knew Ireland just as well as any other Member, and he was of opinion that the danger through politics was greater than that through religion. Many Catholics had been subject to persecution owing to their political views, and he was satisfied that political considerations would predominate over the religious. He hoped, in all the circumstances, the Government would argue the question more seriously than they had done, and that the Amendment would be divided upon.

MR. HANBURY (Preston) said, the Irish Parliament was likely to be governed by example rather than by precept; and, that being so, they would probably follow the example set by the Chancellor of the Duchy of Lancaster (Mr. James Bryce) in showing how necessary it was to protect men who held

certain political opinions, and in conferring privileges upon the minority. He could refer to others on the Treasury Bench who had set a very bad example to the Irish Members.

*MR. W. KENNY (Dublin, St. Stephen's Green) said, the Bill contained restrictions on legislation which would impose disability or confer privileges on account of religious belief, but any person who had lived in Dublin for several years past, as he had done, would recognise that, if any restriction was necessary, it was of the nature of that proposed in this Amendment, because, as he contended, persecution and disability would more likely be associated with political opinion than with religious belief. The Irish Nationalist Party invariably repudiated drawing any distinction as to religious belief; but clear distinctions were always drawn in matters of political opinion. They had seen quite enough in Dublin politics during the last six years to show that the distinction was a very marked one. He need go no further back than to instance a banquet at which his right hon. Friend the Leader of the Opposition (Mr. A. J. Balfour) was entertained in Dublin some five years ago.

MR. A. J. BALFOUR: Hear, hear!

MR. W. KENNY said, the Press representatives were invited to the banquet in a private capacity only; yet one of the Dublin papers sent reporters to stand at the door and take down the names of the gentlemen as they passed into the Hall—

An hon. MEMBER: What journal?

*MR. W. KENNY said, if the hon. Member wanted to know, it was "The Fallen Journal" (referring to a name given for some time past by one Party in Ireland to *The Freeman's Journal*.) The object in taking down the names was to make out a "black list" of those who attended. The present Chief Secretary had been long enough in Dublin to know how people were made to suffer for their political opinions. He did not attribute any intention to the Nationalists of Dublin, at least, to injure their opponents on account of religious opinions, but he was convinced that the fact that the leading men of Dublin held strong Unionist opinions was enough to condemn them in the eyes of the Nationalists. The case of the Bank of Ireland had been

referred to the previous night by the hon. and learned Member for North Dublin, and he (Mr. Kenny) had been ruled out of Order when he attempted to reply. Perhaps he would be allowed to state on this Amendment what had really occurred with regard to the bank. The hon. Member for North Dublin said the Bank had passed through a crisis because of the non-publication of its accounts. The crisis through which the Bank of Ireland passed was due to the introduction of the Home Rule Bill of 1886, which brought its shares down, and to the fact that *The Freeman's Journal* wrote it down, because the Directors were strong Unionists. The crusade against the Bank was only put an end to by the intervention of a leading Catholic ecclesiastic, who was asked by a deputation to interfere, lest the funds of the Catholic charities invested in the Bank should be endangered. He had quoted the Bank of Ireland as an example of an Institution being made to suffer on account of the political opinions of its Directors. The hon. Gentleman who moved the Amendment gave specimens of the language used by Nationalists towards the minority in Ireland. That language had not ceased. *The Daily Independent*, the leading Nationalist journal in Ireland, on March 31 in the present year, referring to a speech of the Chancellor of the Duchy of Lancaster, said that the Irish people had passed through some dark days, and that, when the time came, they would know how to strike unitedly and firmly at the enemies of Irish freedom. But who were meant by the enemies of Irish freedom? Not the persons who differed from the Nationalists in religion, for the Nationalists repudiated that, but the persons who differed from them politically—the Unionists of Ireland.

MR. T. HARRINGTON (Dublin, Harbour Division) said, a considerable portion of the speech of the hon. and learned Member for St. Stephen's Green Division answered itself. If it were true that all the rich merchants of Dublin were Unionists, and if the people of Ireland were intolerant in their political actions, how did those merchants accumulate their wealth? Being merchants, it must be by trading with the general mass of the people.

MR. VICARY GIBBS: No, no.

MR. T. HARRINGTON: The hon. Gentleman who interrupts cannot be a gentleman of a very commercial turn of mind.

MR. VICARY GIBBS: I have been in business all my life.

MR. T. HARRINGTON said, that perhaps the hon. Gentleman would get up during the Debate and explain how he was able to accumulate wealth without customers. It was a well-known fact that nine out of every ten of the principal merchants of the South of Ireland were Unionists, and they were not injured in their business, because the Nationalists of Ireland were actuated by a spirit of toleration which had not yet touched their opponents. The hon. and learned Member himself was one of the most remarkable illustrations of the tolerance displayed by the Nationalists towards their political opponents, seeing that though he went about England attacking his co-religionists in Ireland for their intolerance, he enjoyed one of the largest legal practices amongst Catholic communities in Ireland. The reasons which led to the crisis in the Bank of Ireland were the introduction of the Home Rule Bill, not because it led to any insecurity in Irish property, but because it was thought that its premises might be wanted for the purposes of the Irish Parliament, and because the owner of *The Freeman's Journal* at that time was interested in a rival bank, and was glad of the opportunity to attack the Bank. The object was to endeavour to get the Bank to publish their accounts, and the moment it did so security was restored, and its shares went up to their former condition.

MR. MACARTNEY (Antrim, S.) assured the hon. and learned Member who had last spoken that nine out of every ten of the leading merchants were Protestants and Unionists because in nine cases out of ten the Protestants and Unionists had a monopoly of commercial ability. The Chief Secretary had said that he rejected the Amendment because it was founded on ridiculous and absurd apprehensions, and went on to say that if he thought it possible that an Irish Legislature would oppose men because of their political opinions he would not be in favour of Home Rule. But it had been pointed out that the leading Members of the Nationalist Party had threat-

ened a portion of the Unionist population of Ireland with pains and penalties when an Irish Parliament was established; and, indeed, they need not wait for the establishment of an Irish Parliament in order to be able to realise the fate that awaited those who held Unionist opinions. It was said at Sunderland by a leading Nationalist that they held the Chief Secretary in the hollow of their hand, and that the right hon. Gentleman was only in Office to carry out their wishes. It should be admitted that there was a substratum of truth in that statement, because when the right hon. Gentleman was appointed to Office members of the Lunatic Asylum Boards of the North of Ireland, who were prominently identified with the Unionist Party, were picked out for removal from the Boards, though they had for years rendered great public services. In South Antrim there was a case of a gentleman who had sat on the Board for many years who was removed, not because he was a Protestant, but because he was a Roman Catholic Unionist who had incurred the dislike of the Nationalists of Antrim. In several other counties, also, gentlemen had been removed from the Asylum Boards, not because they were slack in their attendance, but because they were Unionists. The Chief Secretary opposed the Amendment because, he said, it was founded on absurd apprehensions, but the right hon. Gentleman's own action in regard to the Asylums Boards was proof that the apprehensions of the Unionists were not absurd or ill-founded.

MR. J. MORLEY: A more maladroit argument than that of the hon. Member who has just spoken has, I venture to say, never been heard in the House of Commons. He said, in effect, that the Irish Parliament would be likely to ostracise those who professed certain political opinions, and that in doing so they would be only following the example of myself, who the hon. Member said is held in the hollow of the hand of the Nationalists.

MR. MACARTNEY: I did not say the right hon. Gentleman was held in the hollow of the hand of the Nationalists. I stated that one of the Party had said so.

MR. J. MORLEY: Some words of the kind may have been uttered in a rash moment. But let us come to the argument. What is the illustration of the

hon. Gentleman? It is that in the course of my administration I removed from the Boards of Lunatic Asylums gentlemen of Unionist opinions and appointed Nationalists. But it was not a question of removal at all. It was a question whether these Boards were fairly constituted or not—whether there was upon them a fair and reasonable Catholic representation, and, I will add, in some cases, a Protestant representation in proportion to the population. The Committee shall judge. Does the Committee suppose, considering all the attacks made upon the Irish administration of the Government, that the selection of Governors would have escaped a vote of censure had there been any foundation for it? If I wanted to show ostracism for religious and political opinion I could have cited the constitution of these Boards in counties where, although 97 per cent. of the population were Catholics, there was only one or two Catholics out of 22 or 23 members on the Boards.

MR. MACARTNEY said, the right hon. Gentleman had not touched the specific instance which he quoted. He pointed out that in the County of Antrim, where admittedly the population was Protestant, a prominent Catholic, Mr. Hammil, who happened to be a Liberal Unionist, had been removed from the Board.

MR. BARTLEY (Islington, N.) said, it was absurd to suppose that under an Irish Parliament a man's political opinions would not have a serious effect on his position. Let them take a case that had recently happened—the fight over the great *Freeman's Journal*. They knew how, when Mr. Parnell fell, political opinion was worked against him by that newspaper; and when that could be done through the machinery of a newspaper, it could be much more effectually done through the machinery of a Legislature. He therefore thought there was a necessity for the Amendment.

MR. A. J. BALFOUR: I do not mean to attack the present Chief Secretary to the Lord Lieutenant upon the subject of Party appointments. My hon. Friend knows more of the particular case he has brought before the Committee than I do, and, for all I know to the contrary, the Chief Secretary may have in that case committed an error. But broadly speaking, I am perfectly ready

to acquit the right hon. Gentleman of having endeavoured to ostracise his political opponents, or of having in any way endeavoured to clear out from political life those whom he suspected or knew to differ from him. The question, however, is not what the right hon. Gentleman did. It is what will those do who will succeed him in the government of Ireland? I did not hear the right hon. Gentleman's first speech on the Amendment, but I understand that he derided the idea that political motives would be allowed more virulent sway under Home Rule than in England.

MR. J. MORLEY: My argument was that if I thought the Irish Government were going to ostracise men and to make laws ostracising men because of their political opinions I would not support this Bill.

MR. A. J. BALFOUR: I cannot help thinking that if the right hon. Gentleman would study the utterances of leading Gentlemen below the Gangway he would be compelled, doubtless much against his will, to come to the conclusion that he ought not logically to vote for Home Rule. I recollect reading an article written by a leading Member of the Nationalist Party, the Member for the City of Cork, in an English weekly review, which I think is the only weekly review devoted to the cause of hon. Gentlemen opposite. The article was intended to describe the course which the right hon. Gentleman should take as to the government of Ireland, and the hon. Gentleman the Member for Cork certainly urged, in language of the most violent description, that the Castle should be cleared out of every man differing from the Nationalists, and that in their place should be established an official hierarchy agreeing with them. That policy the right hon. Gentleman wisely, humanely, and in a statesmanlike spirit absolutely refused to carry out. But does he doubt that the gentlemen who are to succeed him will do that which they have publicly recommended? When we are establishing in Ireland, for a generation at least, one political Party only in power, and when we find that Party professing principles which would drive from office every gentleman who differed from them, do you think we can trust such men with legislative power which would enable them to carry out their

intentions? I confess I do not see how you can trust them. The right hon. Gentleman says that in this country it is the practice of the Party in power to consider the political opinions of those they appoint to office. If we were dealing with a colony or an ordinary society, to refuse that power to avail of that practice would be the height of absurdity, but we are dealing with a society where the division of Parties has been so deep, where political animosities have been of such long standing and of so bitter a character that we must, in common consideration for the minority, take precautions which, under other circumstances, would not only be unnecessary, but even frivolous and absurd. The hon. Gentleman the Member for the St. Stephen's Green Division had quoted a case in which a number of gentlemen, not politicians, had been pursued with vengeance with the view of destroying their business in Ireland because they had attended a private dinner given to me in Dublin. I only allude to that case as an indication of the point to which political savageness has reached in Ireland, and I ask the Committee whether they are not bound to take the facts as they find them? When the right hon. Gentleman professes to look forward in this sanguine spirit to the political future of Ireland, I cannot help feeling that he has shut his eyes to the actual facts that come under his own experience. Though I admit that even if this Amendment was carried it would be a poor protection to the political minority in Ireland, still it would be a most valuable recognition upon the face of the Bill that we look forward with apprehension to the use that may be made of the powers given to the new Parliament, and that any abuse of this power would be against both the letter and the spirit by which that Legislature is to be established.

*SIR H. JAMES: Some of us think the Government of Ireland in past times has not been in all directions a wise and just Government, and one reason why we have opposed Home Rule has been that we have always felt there would be reprisals on the part of the majority against the minority. The right hon. Gentleman told us of localities where there were 97 per cent. of the people of certain political opinions, and that when

a Body had to be elected, only two or three of the 97 per cent. were placed upon that Body.

MR. J. MORLEY: I said that upon nominated Bodies only one or two of the 97 per cent. were placed upon them.

*SIR H. JAMES: And is not that a great wrong on the 97 per cent.? and, according to your views, how would they be likely to act if you give them unfettered power? You tell them they have sustained great wrong; you may be right or wrong in so telling them, but you are preaching to them the doctrine of vengeance. ["No, no!"] Yes, yes. What is the object of this legislation? To redress that wrong. According to your view, this disability has been imposed, and would not that be remedied according to the view of the majority when the hand is unfettered, and is it not our duty to see that that very sense of wrong—you may call it justice, others may call it vengeance—shall be restrained? That sense of wrong, however baseless it may be, has influenced Ireland for some 13 or 14 years. We have never thought there has been hostility solely on account of religious differences of opinion, but there has been a sense of wrong on account of that which was political and social, and we saw a persecution unexampled in the history of the world for the years the Land League legislated. They did legislate. They issued their decrees; they passed their laws; they enforced their laws, and they were laws more cruel, more despotic, more tyrannical than any Chamber ever could have passed with the sanction of a majority of a Constitutional Power. The men who controlled the Land League are the men for whom the Chief Secretary now pleads, and they are the same men to whom we are to give unfettered power; and when we say there shall be no legislative power to make reprisals, the Chief Secretary says, "We will give you the power."

MR. J. MORLEY: No.

*SIR H. JAMES: Yes, you do; if you do not restrain you give; and, therefore, the Chief Secretary pleads there shall be opportunity of making reprisals, and that you ought not to prevent the men who for years ruled Ireland with greater power than any Parliament, and in a manner that did injustice to the

minority. We have examples of what would happen from the speeches of hon. Members. The hon. Member for Dublin (Mr. T. Harrington) says that, according to Irish views, if a man is interested in a bank, he should endeavour to destroy another bank.

MR. T. HARRINGTON said, he had not said that. He said *The Freeman's Journal*, which hon. Members seemed to think was under the control of a large body of the Irish people, was under the control of one individual, and that, being interested in one bank, if all banks were to be on the same footing, he wanted the Bank of Ireland to publish its audit.

*SIR H. JAMES: That he should use the power of this great journal to boycott and stamp out a bank, and that is what the hon. Member declares is very honourable for one Irishman to do against another. ["Oh, oh!"] When the evil of such a doctrine is pointed out those who will be the majority in any future Irish Parliament hoot down the man who protests against such a doctrine. It is shown, not only by the statement of the Chief Secretary and the history of the last 14 years, but by the arguments adduced by those who would rule in Ireland, that if you do not endeavour to safeguard those who will be the minority, all the wrongs of past years will be avenged, and all the principles which the Nationalists profess in Ireland will be enforced against the minority.

MR. MACFARLANE said, that when he heard the Amendment moved he did not expect they would derive any advantage from the Debate; but he had seen occasion during the discussion to change his opinion on the subject. They were now discussing the question of safeguarding political opinion. The English and Scottish people were continually told to preserve religious liberty; but during this discussion they were told by hon. Members that they did not in the least fear the action of the Irish people against them on religious grounds. ["No, no!"] Yes; he had carefully listened to the Debate, and it was said they feared nothing from the action of the Irish people on religious grounds; but what they feared was that they were to be ostracised and driven from all political power. [*Cries of "Who?"*] By many

Sir H. James

hon. Gentlemen. [*Cries of "Name!"*] The right hon. Gentleman the Member for Bury (Sir H. James) was the last transgressor in this matter, and had pointed out that the chief fear was political oppression. He considered the discussion had proved that the hollow cry as to religious oppression was insincere and shallow. Political oppression was no new thing, and was well known to the House. They had had some experience of a body called the Primrose League, and did they not exercise political boycotting? Let a man go into any constituency in the country where a branch of this League existed, and ask any person whether he had known shopkeepers and others who had not been boycotted. [*Cries of "Question!"*] That was the question. The question was one of legislation, and hon. Members who argued against it must be aware that against any adverse legislation by the Irish Parliament they were protected by the Supreme Parliament here.

MR. T. M. HEALY (Louth, N.) had expected the right hon. and learned Gentleman the Member for Bury (Sir H. James) was going to give a concrete case of how this Amendment would have a protective character; but he had waited in vain for that illustration. The right hon. Gentleman the Member for Manchester (Mr. A. J. Balfour) took the distinction that they could not legislate against Executive action, and he thought the right hon. Gentleman would have gone on to give a concrete case to show what he meant to effect under this Amendment. They had heard a great many instances given, but they had been merely instances of Executive action and of Imperial Executive action. The right hon. and learned Gentleman the Member for Bury (Sir H. James) ought to have let the Committee know what was the concrete case, not of Executive but of legislative action to which this Amendment pointed. Was it, for example, supposed that no Orangeman was ever to get Office? Assuming that the Irish Executive excluded Orangemen, what criminal idiots they would be to include the provision in an Act of Parliament. Why? Because they could follow the example of the Imperial Executive and do executively what there was no need for them to do legislatively.

The real fact was that these Amendments to which the Committee had been listening were mere object lessons for the country, and these were lessons of obstruction in the House of Commons. They all knew that the Tory Party was the Party of virtue and intelligence. It had never committed any wrongs; it had never excluded anyone from office, whether from religious belief or on any other ground. But the Party of virtue had been in power in Ireland for several years, and what was the lesson they had taught? He should be sorry to see that lesson imitated. It was, perhaps, right enough that the superior Judgeships should be given to their political followers, because the Party had possessed a number of hungry claimants; but take the case of the County Court Judges, of whom there were 22 in Ireland.

An hon. MEMBER: Question!

MR. T. M. HEALY: Very well, I will not take up the time of the Committee.

MR. WYNDHAM (Dover) said, the hon. and learned Member for Louth (Mr. T. M. Healy) said that no speaker had suggested a concrete case of legislative action on the part of the Legislature to be established in Dublin, which would be prevented by the Amendment under consideration. The hon. and learned Member had commented on the fact that they had been dealing rather with Executive action and patronage than laws that might be passed imposing disability. He would suggest, as a concrete case, the Oath of Allegiance in the Irish Legislature. What was there to prevent the Legislature from adding to the Oath of Allegiance a declaration of loyalty to the Constitution set up? No Unionist could take such an oath or make such a declaration. Let them turn to another part of the Bill. In the 7th clause, Subsection 3, power was given to the Irish Legislature to pass a Redistribution Act at the end of six years. He could not help thinking that the proviso that "due regard is to be had to the population of the constituencies" would gain in effect if the Government were to accept the Amendment under consideration. But they need not search for concrete in-

stances; they had so many examples. In Ireland the sphere of politics was wider than in England; it extended upwards to autonomy as applied to Unionism, downwards to questions of the Plan of Campaign. Therefore, the Irish people had a wide field for exercising the spirit of which they had given indications. He had, he thought, given an example of the kind of action it would be in their power to take.

MR. J. CHAMBERLAIN (Birmingham, W.): The point we are considering is extremely important, not so much intrinsically as for the light it has shed upon the feelings with which the two Parties approach this great question. Take the two last speeches against the Amendment to which we have listened; one very complete in itself, and the other—I must call it a noble *torso*, interrupted unfortunately, but still very suggestive of very important results. The speech of the hon. Member for Argyll (Mr. Macfarlane) was one of those to which the hon. and learned Member for Louth (Mr. T. M. Healy) referred as an object lesson, made not so much for this House as for the electors of Argyllshire; but I think it will be seen it illustrates the different points of view. The hon. Member, in the first instance, said the Debate had shown we were insincere in anticipating that any religious bigotry could possibly exist in Ireland, or have any practical results after this Bill has passed. And why? Because we were dwelling upon an Amendment that contemplated not religious but political bigotry, and were, therefore, leaving out of account the other part of the question. I cannot understand how the hon. Member can take any comfort from the fact that in dealing with political bigotry we are not, at the same time, separating religious bigotry. It is quite true, as the hon. Member told us, we are not in fear of religious persecution in the sense in which the word was used in the time of Bloody Queen Mary. That is not the thing that we expect; we do not suppose the fires of Smithfield will be rekindled on College Green. What we do suppose is that under this Bill there will happen in Ireland what has happened in Canada and in every other place in which a predominant religious Party has secured

power. Of course they will take advantage of their position, and of course that will result in proceedings which, undoubtedly, the majority of this country are not prepared for. But then the hon. Member for Argyllshire went on, and, referring to the moral question, he made the comparison of Gladstonian platforms with the political practice of which he quoted the Primrose League as an illustration. It is not my business to defend the Primrose League, nor am I going to say there is any political Party in this country that is wholly undeserving of criticism in this matter. I confess I do not think it would be easy for us to justify the means taken to fill our judicial appointments in the Superior Courts. I allow they are made almost universally by each Party in turn from members of their own Party. I think that is unjustifiable. There are lots of other cases of the same kind in which political feeling does influence appointments and action in this country. But I ask hon. Members to deal with this matter fairly, and say is there anything comparable between the kind of influence that is used properly by political Parties in this country and the kind of influence used by political Parties in Ireland? I do not care which Party you take for the sake of this argument. No one has spoken more strongly than hon. Members opposite of the bigotry of the Ulster Orangemen. I am not concerned to say whether their accusations are just or not. If they are just, that proves my case. You have to fear the bigotry of Ulster Orangemen and their resentment; and is it to be said there is to be fear of the bigotry of Nationalist Irishmen; are we to put aside all that has happened during the last 10 years; that the men who have openly threatened that when ever they came into power they would be revenged on their adversaries did not mean what they said; that men who have said they would stick at nothing; the men who have invented the Plan of Campaign, the men who have invented boycotting; the men who have established the National League, and we know that crime and murder dogged the footsteps of the League; are we now to get up gravely and compare such a state of things as that with any state of things that is conceivable in this country, or in Scotland, or in Wales? No, Sir; owing

to the extraordinary virulence of political opinions in Ireland, we have to deal with a different state of things to anything prevailing in this country. We may represent differences of opinion here; but, at least, they do not go to the extent of crime and outrage. I admit there is much political unfairness—I think that some of us have had experience of that even within the last few days; but none are in fear either for our property or our lives in this country. Can hon. Gentlemen say that if a Nationalist Party were in power a Protestant and an Ulsterman would not be in fear of life and property? [An hon. MEMBER: Certainly.] I say that in the last 10 years there has been no district in Ireland in which the Nationalist Party have been in power—as they have been owing to the influence of the National League and the Land League—in which a Protestant could hold his life and his property secure—[“Oh, oh!”]—unless he had the protection of the police—[“Oh, oh!” and cries of “Question!”] I say that is perfectly true—[Cries of “No, no!”] Let me finish my sentence; you differ from me—

Mr. MAC NEILL (Donegal, S.): Yes, we do.

Mr. J. CHAMBERLAIN: You will have full opportunity of answering me afterwards. I say that is my opinion; I say that that is true of the last 10 years, and is there a man on that Bench who will dispute that statement, that, at all events, it has been true during the last 10 years?

An hon. MEMBER: No; it is not true.

Mr. J. CHAMBERLAIN: I appeal to that Bench, and I will find in the speeches of right hon. Gentlemen who are sitting there as allies of hon. Gentlemen opposite the proof of what I allege—that at that time, at any rate, all of them said that there have been times when that state of things has existed in consequence of the tyranny exercised by the National League? But I do not want to dwell on the Nationalist side of the case. Take the other side, which hon. Members think themselves safe in a Parliament governed, officered, and controlled by these Ulster Orangemen? [Cries of “Yes, yes!”] I call on my

hon. Friends to take note of this revolution of feeling. It was not always so. [*Cries of "Always!"*] That is not the case—that is absolutely contradicted by the speeches of Members like those of the hon. and learned Member for Louth (Mr. T. M. Healy). I myself have listened to speeches about the riots in Belfast at the time the Chief Secretary sent the police there, and at that time the hon. and learned Member denounced the Ulster Orangemen and declared the lives of the Catholics were not safe. Whether you accept the idea of a Nationalist majority, or an Ulster majority, or a Protestant Orange majority, in either case, as long as feeling remains as bitter as at present, the danger to the minority in Ireland is something altogether different in kind and degree from the danger to the minority in England. Now I turn to the interesting fragment of the hon. and learned Gentleman the Member for North Louth. He is always interested in the order of our Debates since he has ceased to speak himself. He says no one has shown what possible danger there is in regard to this matter from the powers of legislation to be given to the Irish Parliament, nor how the Amendment is to restrict that power and prevent the evils that we fear. I am not going to say that the words of the Amendment would be an absolute protection. I admit that if Home Rule is given all idea of absolute protection to the minority must be given up. But at least we can assert the intention with which the Imperial Parliament has made this concession, and it is in that sense that I value these various Amendments. At the moment when the hon. and learned Member for Louth said that if the minority had anything to fear it would be from the action of the Executive and not from that of the Legislature, I was reading an extract from a speech which will throw some light on the point. A distinguished Nationalist, speaking a few years ago of the police, said—

"The police are close at hand, very close at hand, and when we shall be masters in Ireland I know the reward which we shall mete out to the men who have oppressed us."

That seemed to be a menace to the police ; but probably the hon. Member reflected that he had an English as well as an Irish audience, and therefore he began to qualify, for he continued—

"It is not injury for injury ; we shall do justice to all."

[*Interruption.*] Let hon. Members be patient until I have finished the quotation. I will only say in passing, however, that if justice is to be done to all, I do not see the necessity of the previous statement warning the police that when the Nationalists became masters they would mete out reward to the men who had oppressed them. But to continue the extract—

"Mr. Balfour said the other day that if I were the Chief Secretary I should enforce the law. I hope I should enforce the law ; but the first men against whom I should enforce it are the ruffianly Magistrates and policemen."

That raised two questions. "Who were the 'ruffianly Magistrates and policemen'?" [*Interruption.*] Hon. Members opposite are very impatient, and answer the question before I have put it. Who are the ruffianly Magistrates and policemen against whom the present law—the law as it exists—can be brought into force with effect by an Irish Parliament? Does not the Committee see that for the purpose there must be a new law? That is just what we fear, and that is my answer to the hon. and learned Member for Louth. The Colleague of the hon. Member, when he made the speech referred to, was not contemplating the existing law, not the British law, not the law in a foreign garb, but a brand new law which was to be made for the purpose. The Committee will now see the object of the Amendment. What we want is to prevent an *ex post facto* law being made by the Irish Parliament for the purpose of punishing Magistrates whom the Nationalists think to be ruffianly, but whom the Imperial law cannot possibly touch.

Question put.

The Committee divided :—Ayes 233 ; Noes 269.—(Division List, No. 138.)

MR. RENTOUL (Down, E.) moved,

In line 23, after "or," to insert the words "repealing or amending any law at present in existence, or hereinafter to be enacted by the Imperial Parliament, which gives legal effect to any rights or ceremonies performed by any Protestant Church, or."

He said the object of the Amendment was with reference to marriages performed in the Presbyterian Church in

Ireland. He desired to make it clear that the Irish Legislature should not be able to assimilate the law in Ireland with that in England. At present, in England, the registrar attended all Nonconformist marriages and kept the books relating to those marriages; but in Ireland it was totally different, the Presbyterian minister keeping his own register, and making quarterly returns, being in all respects like the rector of the Church of England.

Amendment proposed,

In page 2, line 23, after the word "or," to insert the words "repealing or amending any law at present in existence, or hereafter to be enacted by the Imperial Parliament, which gives legal effect to any rites or ceremonies performed by any Protestant Church, or."—*(Mr. Rentoul.)*

Question proposed, "That those words be there inserted."

*SIR J. RIGBY said, the Government did not regard these supposed acts of oppression from the same standpoint as the hon. Member. If they were to regard them in that light they might have 500 or 5,000 other provisions which would be just as reasonable. The only object of the Amendment was to delay the progress of the Bill. There was not, in the opinion of the Government, the slightest chance or the remotest possibility that the matter would be dealt with at all by the Irish Legislature; and as they considered they ought only to provide against real, and not imaginary, dangers they could not accept the Amendment.

LORD R. CHURCHILL (Paddington, S.) said, there was no human being in the world so unsympathetic as a lawyer. What did it matter to a lawyer in what way a marriage was performed if it was according to the law of the land? He did not think that the contention of the Solicitor General would be supported by the Prime Minister, who had great sympathy with all Christian religious rites. If the Presbyterians of Ireland, who were a very orderly, moral, and Religious Body, had for years enjoyed a peculiar manner of celebrating their marriage rites, and if they prided themselves on the superiority of that manner, why on earth should the Solicitor

General dismiss with the utmost contempt and treat as the most despicable idea the desire of the Presbyterian Body to maintain the rites with which their fathers and forefathers had been married? [*Laughter.*] These were not things to be laughed at, for they represented national sentiment. Was the marriage ceremony a solemn thing?

An hon. MEMBER: A sacred thing.

LORD R. CHURCHILL: Were the marriage services solemn or grotesque? He wanted to know that from the President of the Board of Trade, who was indulging in the most excessive ridicule.

MR. MUNDELLA said, he could assure the noble Lord that he had not even smiled.

LORD R. CHURCHILL said, he thought at all events some consideration was due to this old Religious Body, and that their old methods of solemnising their marriages should not be lightly taken away. There seemed to be some reason for the apprehension that was felt that on this question of Marriage Law the Irish Legislature might make some change. The Unionists only desired that the old practice should not be altered, and he asked for sympathetic treatment from the Prime Minister.

MR. W. E. GLADSTONE: I must demur to the noble Lord's expressions with regard to the Solicitor General's speech, as I do not think there was any want of courtesy or any contempt in it. I myself look upon the Presbyterians of Ireland as a Body who are entitled to our very warm sympathy. The noble Lord has spoken of the ancient law which they have inherited from their forefathers; but that law is of a very recent date, and one of the reasons why I respect the Presbyterians of Ireland is that, until it became convenient and necessary for the true ascendancy party in Ireland to allow a relaxation of the laws, the Presbyterians were in a position very analogous to that of the Irish Roman Catholics. The position of the supporters of the Amendment is that the Presbyterians of Ireland have a Marriage Law which they value, and they are apprehensive lest the Irish Legislature

should interfere with that Marriage Law, and deprive the Presbyterians of the civil privileges connected with it. Well, I have no doubt that there are many Bodies in Ireland that value certain laws extremely, and these Bodies may also, perhaps, entertain honest, but, as I believe, groundless, apprehensions that those laws would be interfered with by the new Legislature. Is every Body in that condition to require the Imperial Parliament to insert in the clause a prohibitory enactment to prevent the Irish Legislature from doing the apprehended thing? We cannot enter upon a boundless field of that kind unless it be shown, in the first place, that there is some ground of likelihood that the Irish Legislature would commit these offences. Is there the smallest ground of likelihood in this case? Many Members proceed upon the supposition that the Irish majority would be totally blind to their duties towards the minority. Against that opinion, disclosing as it does a very obstinate prejudice, I am not going to contend; and I will admit, for the purposes of argument, that there will be no moral sense at all in the Irish Legislature. But it will be alive to considerations of self-interest; and it will, undoubtedly, be to the interest of the majority to secure the alliance of the Presbyterians. Therefore, to fear that the majority will set to work to contract the privileges of the Presbyterians under the Marriage Law—privileges which inflict no wrong upon the majority and cause no inconvenience—is to ascribe to that majority a large amount of gratuitous folly as well as a total disregard of principle. For these reasons I cannot consent to the Amendment.

MR. A. J. BALFOUR: I think the speech we have just heard presents one of the most interesting studies that we ever had of the Prime Minister. It is highly interesting to contrast the manner in which the right hon. Gentleman looks at the past with his manner of looking to the future. When the right hon. Gentleman looks forward he sees before him an angelic Assembly—[cries of "Salisbury" and "Second-hand"]—representing an angelic majority incapable of any acts of oppression. But when the right hon. Gentleman looks

back on the past he sees a minority in ascendancy in Ireland who committed these very acts of oppression which, he says, are impossible in the future. I would take the right hon. Gentleman's own estimate of the past, and assume with him that the ascendancy party were guilty of the grossest oppression when they were in power; but I ask why the Roman Catholic majority of the future are to be totally without the vices which, in the opinion of the right hon. Gentleman, have stained the record of the Protestant minority?

MR. FLYNN (Cork Co., N.): Because the world is wiser.

MR. A. J. BALFOUR: Let us assume, for the sake of argument, that one Irishman is very like another; let us assume that an Irish Protestant Episcopalian when he is in power is no better than a Roman Catholic Irishman when he is in power. The right hon. Gentleman stated that the Protestant Episcopalian when in power was guilty of the grossest acts of oppression, and he added that it was absurd to suppose that similar acts of oppression would ever be committed by a new ascendancy Parliament. Is that reasonable? Is it common sense? The Episcopalian minority may have been right or wrong in their resistance against the privileges granted to the Presbyterians, but they certainly had not the same kind of theological motive for acting as they did as would naturally animate Irish Representatives acting under the control of the Roman Catholic Bishops. Hon. Gentlemen from Ireland must be perfectly aware that, according to the Council of Trent—[ironical Irish cheers]—he listened with the greatest interest to those jeers uttered by Roman Catholics—they must be aware that according to the principles of the Church to which they belonged a marriage performed in a Presbyterian Church was, from a religious point of view, of no validity whatever.

MR. T. M. HEALY (Louth, N.): There is no such doctrine.

Several hon. MEMBERS: Certainly not.

MR. A. J. BALFOUR: I do not believe the hon. and learned Gentleman (Mr. Healy), in spite of his inarticulate interruptions, will get up and contradict the

statement that, according to the Church to which he belongs, a marriage in a Presbyterian Church is no marriage at all. [*Cries of "No, no!"*] But I say "Yes, yes, yes," and I venture to think I am just as good a judge in these matters as the hon. and learned Gentleman. I do not believe that the Prime Minister will get up and deny the statement I have made.

MR. W. E. GLADSTONE: Without getting up I will deny it.

MR. A. J. BALFOUR: Then the right hon. Gentleman's knowledge of the subject is less profound than I had supposed. The right hon. Gentleman said that while the Episcopalians were in ascendancy in Ireland they passed laws which he described as oppressive; but he denied it was conceivable that the Roman Catholics, when they had ascendancy, would pass laws of the same character which would be equally oppressive, although they would have justification, which the Episcopalians had not, and would, at all events, be able to appeal to the doctrines of their Church as uttered in authoritative Councils for support in any action they might take in this matter. It seems to me that this forms very good ground for asking the Committee to adopt my hon. Friend's Amendment.

MR. MACARTNEY (Antrim, S.) said, he might call the attention of the Government to the frivolous objection taken to the Amendment, and he would point out to them that the Nonconformists of Ireland stood in a totally different position from any other section of the Irish minority upon such a question as this. The President of the Local Government Board (Mr. H. H. Fowler) at Newcastle, speaking on behalf of the Nonconformists of Great Britain, desired to know what were the apprehensions of the Nonconformists in Ireland, and said that if those apprehensions were stated he would pledge himself that they should receive every possible safeguard in this Bill. When his hon. and learned Friend, who was a member of one of the Nonconformist Bodies in Ireland—

An hon. MEMBER: There are none.

MR. MACARTNEY said, when his hon. Friend brought forward this Amendment, if there was any meaning in the

Mr. A. J. Balfour

electioneering speeches of the Members of the Government, he could properly claim the vote of the President of the Local Government Board as well as that of even a more important Member of the Government—the Chief Secretary. After the speech delivered by the President of the Local Government Board, the Chief Secretary got up and said that the right hon. Gentleman was a witness of the first quality as to Nonconformist feeling in England, and they (his audience) could see what opinion he held on this question. He hoped his hon. and learned Friend would go to a Division, for then the country would have once more an opportunity of testing the value that could be attributed to these declarations on the platform when the object was to catch votes for the Government.

*SIR T. LEA (Londonderry, S.) said, that the only practical reply his hon. and learned Friend had received from the Solicitor General was that his Amendment was brought forward to delay and obstruct the Bill. As representing a large number of Presbyterians in Ireland, he protested against the methods of the Solicitor General. [*Cries of "Divide!"*]

THE CHAIRMAN: Order!

*SIR T. LEA said, hon. Members below the Gangway opposite tried to gag the Unionist Members upon a question in which Nonconformists felt strongly. Presbyterians and Unionists noted the example set by the hon. and learned Gentleman the Member for Louth (Mr. T. M. Healy), who interrupted so persistently, because they now knew what they might expect from a Dublin Parliament. The leaders of the Roman Catholic Church had stated that they believed it was their province to direct their people in political questions, and they knew very well that, whenever the Marriage Laws come under discussion in an Irish Parliament, the Catholic Church would have its way. From the way his hon. and learned Friend had been met in moving this Amendment he deserved the sympathy and support of the House.

Question put.

The Committee divided:—Ayes 228; Noes 266.—(Division List, No. 129.)

MR. J. MORLEY said, he begged to move the Amendment which he had promised before the dinner hour.

MR. COURTNEY (interposing) said, he had words to propose which would carry out the object contemplated by the right hon. Gentleman, and which would come in at an earlier part of the clause. His proposal was to insert, in the first line of Sub-section 3—

"Abrogating or prejudicially affecting the organisation of any religious body, and the holding by such body, or by trustees on its behalf, of property applicable to its maintenance and uses; or abrogating or prejudicially affecting any place of denominational education."

The clause as it stood would refer to institutions connected with a denomination, such as a school, or a hospital, or a charity, but not to the endowments of the denomination itself. There could be no question as to what they were all aiming at, and the words he proposed, if introduced at the place he suggested, would meet the object in view.

THE CHAIRMAN: There is an Amendment on the Paper which will come before that of the right hon. Gentleman.

MR. COCHRANE (Ayrshire, N.) said, the Amendment referred to was one of which he had given notice. As, however, his Amendment was covered by one which stood in the name of the noble Lord the Member for Paddington (Lord R. Churchill) he would withdraw it in favour of the latter.

MR. J. MORLEY said, his Amendment would come before that of the right hon. Gentleman the Member for Bodmin. There was something in what the right hon. Gentleman had said; but with all respect to him, he (Mr. Morley) considered the wording of his Amendment rather cumbrous. He therefore moved that at the beginning of the sub-section the words "diverting the property of any religious body" should be inserted.

Amendment moved,

In page 2, line 24, insert "diverting the property of any religious body."—(Mr. J. Morley.)

Question proposed, "That those words be there inserted."

MR. T. M. HEALY said, the House would always look with great respect on any action of the distinguished ex-Chairman of Committees. But they could not but remember that he used to be very

severe on hon. Gentlemen who had not given notice of their Amendments. The Amendment was suggested as an extraordinarily important one—indeed, every Amendment which came from the Benches opposite was one of extraordinary importance. He (Mr. Healy) was at a loss to know why, in the case of such extraordinarily important Amendments, it was not thought advisable to put them down on the Paper in the ordinary way. As for the English of the right hon. Gentleman's Amendment, he had never heard anything like it. How they could "abrogate" an organisation was more than his (Mr. Healy's) Irish intellect could understand. It seemed that in these matters they might use their own language in their own sweet way. He had no objection to the purpose of the Chief Secretary's Amendment. It was right and proper that even the suspicion of giving an unfair advantage to the institutions of one religious denomination should be prevented. He did not think the language of the Amendment was happy, and held that in the present circumstances the best course to follow would be to bring up the words on Report.

MR. HENEAGE said, that as the hon. and learned Member opposite was so critical, and as it was now four minutes to 12 o'clock, it would be better, perhaps, to report Progress, so that the words could be placed on the Paper for tomorrow.

MR. T. M. HEALY said, that he did not object to the words, provided a guarantee were given that they would be remodelled, if necessary, on Report.

MR. HENEAGE: I move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Heneage.)

MR. J. MORLEY said, that he had given notice of the words four hours before, and they had been thoroughly considered.

MR. HENEAGE said, he had not been the person to take objection to the words. But this was not the first nor the second time that the hon. and learned Member for Louth had objected to words brought up by the Government to redeem

pledges which they had given. The right hon. Member for Bodmin had brought forward words to redeem the promise of the Government. The Chief Secretary had brought forward other words, but neither Amendment pleased the hon. and learned Gentleman; and, therefore, the simplest plan would be to report Progress.

MR. T. M. HEALY said, he would remind the right hon. Gentleman the Member for Grimsby of his former Motion to report Progress on the North Sea Question—and what he got by it. As the Government had been met by this Motion they should, to-morrow, refuse the insertion of any Amendment of the kind indicated by the Chief Secretary.

Motion, by leave, withdrawn.

MR. COURTNEY: Let the words of the Chief Secretary be taken experimentally.

Question, "That those words be there inserted," put, and agreed to.

It being Midnight, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again To-morrow.

IMPROVEMENT OF LAND (SCOTLAND) BILL.—(No. 385.)

SECOND READING.

Order for Second Reading read.

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. H. GARDNER, Essex, Saffron Walden) moved the Second Reading of this Bill.

An hon. MEMBER: I object.

MR. H. GARDNER: This Bill had the approbation of the right hon. Gentleman who preceded me as President of the Board of Agriculture, and it is absolutely a non-contentious measure, which is supported by Members on both sides.

MR. HANBURY (Preston): The right hon. Gentleman must put it down as the first Order.

MR. H. GARDNER: It is one of those Bills which have never been put down as a first Order, and, therefore, the hon.

Mr. Heneage

Gentleman must take on himself the responsibility of opposing it.

*SIR H. MAXWELL (Wigton): I hope my hon. Friend will not persist in his opposition. I may remind him that when Dr. Johnson visited Scotland he said that in the course of his travels he only saw three trees big enough to hang a man on. This Bill is, I believe, intended to remedy that state of things.

An hon. MEMBER: I object.

Second Reading deferred till To-morrow.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 7) BILL.

Read a second time, and committed.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 8) BILL.—(No. 377.)

Read a second time, and committed.

SHOP HOURS ACT (1892) AMENDMENT (No. 2) BILL.—(No. 383.)

Considered in Committee.

(In the Committee.)

Clause 2.

Committee report Progress; to sit again upon Thursday.

LONDON IMPROVEMENTS BILL.

Reported from the Select Committee.

Minutes of Proceedings to be printed. [No. 251.]

Report to lie upon the Table, and to be printed.

ADJOURNMENT.

THE GOVERNMENT OF IRELAND BILL.

Motion made, and Question proposed, "That this House do now adjourn."

MR. BARTLEY asked the Secretary to the Treasury (Mr. Marjoribanks) whether the Government would print the 3rd clause of the Government of Ireland Bill as amended in Committee? It would, he said, be very useful to have it to refer to as the Bill progressed.

THE SECRETARY TO THE TREASURY (Mr. MARJORIBANKS, Berwickshire): I think the hon. Member will find it in *The Times* newspaper.

Motion agreed to.

House adjourned at ten minutes after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, 14th June 1893.

QUESTION.

THE DEPRESSION IN AGRICULTURE.

MAJOR RASCH (Essex, S.E.): I desire to ask the Government whether they intend to introduce the Motion for the appointment of the Committee on Agriculture on Monday?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): Perhaps the hon. and gallant Gentleman will repeat his question when the time arrives for moving the Adjournment of the House.

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. H. GARDNER, Essex, Saffron Walden): It is on the Paper for Monday, and if the Amendments are withdrawn we shall be very happy to consider the appointment of the Committee.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 13th June.*]

[TWENTIETH NIGHT.]

Bill considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 4 (Restrictions on powers of Irish Legislature).

MR. COCHRANE (Ayrshire, N.) moved the following Amendment:—Page 2, line 24, leave out “prejudicially.” In moving the Amendment he should not, he said, occupy the time of the Committee at any length, leaving the matter to be dealt with by some of the legal Members of the House. He thought, however, it must be obvious that there was something in the Amendment. Those Members who were lawyers with whom he had spoken on the subject agreed with him that the word “prejudicially” was superfluous, and that instead of strengthening it rather

weakened the section. This was in no way a contentious question. For his part, he thought the clause would be far clearer if the word was left out. This word was very similar to another word used in a section of the Lands Clauses Act, and which had given rise to a considerable amount of litigation. In fact, for the last 45 years the Courts had been occupied in determining the exact meaning of the words “injuriously affecting”; they had been the subject of numerous appeals to the House of Lords, and he understood on the best authority that the exact meaning had not yet been clearly defined. The object of the Amendment was to remove what might otherwise be a bone of contention from the Bill, and the omission of the word would not in any way affect any other part of the clause. A day or two ago the hon. Member for North Kerry, speaking in reference to another Amendment, objected to the words then proposed, because, he said, they added nothing to the force of the Bill, and should not be included. He (Mr. Cochrane), in the same way, maintained that the word “prejudicially” did not add anything to the force of the Bill. It occurred in another sub-section lower down, which read—

“Prejudicially affecting the right of any child to attend a school receiving public money, without attending the religious instruction at that school.”

The word was one which might give rise to a great deal of contention, and he was sure hon. Members opposite would desire to avoid that. He hoped, therefore, the Government would accept the Amendment.

Amendment proposed, in page 2, line 24, to leave out the word “prejudicially.” —(Mr. Cochrane.)

Question proposed, “That ‘prejudicially’ stand part of the Clause.”

*THE ATTORNEY GENERAL (Sir C. RUSSELL, Hackney, S.): Mr. Mellor, the hon. Member has made his point very briefly, and I will answer him briefly. I think that, if he will kindly follow me for one moment, he will see the effect of the omission of the adverb “prejudicially” would, in fact, nullify the whole of this clause. In order to make that clear, I must show the relation which Clause 3 has to Clause 4. Clause 3 is dealing with matters as to which the Irish Legis-

lative Body shall have no power to make laws at all; Clause 4 is dealing with matters as to which the Legislative Body shall have power to make laws, but placing certain restrictions upon the extent of that power. The result is that they have, under Clause 4, powers to deal with the subject-matters referred to in Sub-section 3 of Clause 4; but the restriction is placed upon them that they shall not deal with them in a manner which would prejudicially affect the matters in question. If the word "prejudicially" is entirely deleted from the sub-section, it would follow that there is no power to affect them by any legislation at all, which is quite contrary to the object of the clause. I think if the hon. Member will consider the matter in the light of the very brief explanation I have given he will see that the Government cannot accept the Amendment.

MR. CARSON (Dublin University) said, he thought that in reference to this Amendment a good deal more might be said than had already been said in relation to this matter. As he understood the discussion yesterday, the question of legislating with a view to assisting any place of denominational education, or any denominational institution or charity, was intended to be entirely removed from the powers of the Irish Legislature under the 1st section of this clause, when they inserted the words "directly or indirectly," because the Committee were of opinion that, although that clause prevented the Irish Legislature from legislating respecting the establishment or endowment of religion, the same result might be arrived at if, by indirect legislation, they were enabled to give preference to any particular denomination in Ireland. Therefore, he took it that, as regarded the 3rd section, it was not, as the hon. and learned Member had said, intended that they should have any power whatever. He thought the Committee ought to have this made perfectly clear at the present stage of the proceedings. He understood from the previous day's discussion that it was not intended that the Irish Legislature should have any power whatever to give any preference to any denominational education, or institution, or charity of any kind, as that would be a direct infringement of the principle laid down by the words "directly or indirectly," introduced

as a sub-section. He should like to know was that so or not? or was the Irish Legislature to have the power of passing legislation which might establish or maintain any place of denominational education, or denominational institution or charity? If that was the intention of the Government and of the Committee, he should at once concede that what the hon. and learned Gentleman had said was entirely relevant as to the insertion of the word "prejudicially." But if, upon the other hand, as he took to be the intention of the Committee, the Irish Government were not to have the power in any way, directly or indirectly, to establish or maintain any place of denominational education, or any denominational institution or charity, then, he said, the word "prejudice" in the section had no meaning whatever. He submitted that to leave the word "prejudicially" in would give rise to an immense amount of legal controversy. Any lawyer would say it would require great argument and discrimination on the part of the Courts to determine what really did prejudicially affect or not; and if it was the intention of the Committee that the entire matter should be withdrawn from the Irish Legislature, why should they not have the word "affecting" without the word "prejudicially"? As an instance of the difficulty of construing these words, take the 4th sub-section, which read—

"Prejudicially affecting the right of any child to attend a school receiving public money without attending the religious instruction at that school."

They had had a Debate in that House already on the question as to whether the putting up of emblems in the Christian Brothers Schools was a matter that would prejudicially affect the children attending schools under the National Board, and which would come within those very words of the 4th sub-section, "without attending the religious instruction at that school." For his own part, not holding any narrow views whatsoever, he should not think it would prejudicially affect a child to walk into one of these schools where these emblems were. But, at the same time, he could quite understand there were many people in Ireland who would think it did, and they would have then to go before the Court and ask them to determine whether the fact of having these emblems

up did or did not affect the right of a child to attend without his having to attend the religious instruction of that school. It occurred to him that nothing could raise a greater controversy in legally construing this sub-section than to leave in this word "prejudicially," and the word "affecting" would carry out the object and intentions of the Government without the insertion of the word the Amendment proposed to omit. There was one other reason he would venture to suggest why this was a matter of importance. The Committee would observe that any law made in contravention of this section would be void. The Lord Lieutenant might very well pass an Act, not observing there was anything in it "prejudicially affecting." That Act would be proceeded to be carried out. A large scheme of education, or a scheme for the regulation of some institution or charity, might be founded on that Act, and might work for a considerable time. But eventually somebody in a proceeding under that Act before a Court might raise the question that some particular clause in the Act prejudicially affected rights which were withdrawn from the Irish by the Imperial Parliament. The Act regulating such a scheme might have been in force for some time; but it would at once be held to be void in consequence of the breach, and the Court holding that it "prejudicially" affected certain rights. The whole fabric upon which the scheme had been founded, and the whole working carried on under that Act, would by reason of the Court coming to a determination on the word "prejudicially"—which the Lord Lieutenant and those who had advised him had not observed—tumble down, and the whole matter would be thrown into the utmost confusion. This was not a question creating any vital difference as between different Parties in Ireland; he approached it altogether from the view of what was the real meaning and intention of the Committee, and he ventured to suggest that, unless some very good reason could be shown as to the absolute necessity for retaining this word, it ought to be omitted.

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar): As I was present during the whole of the discussion upon this clause, and during part of that dis-

cussion my hon. and learned Friend the Attorney General was not present, I may, perhaps, be permitted to answer the hon. and learned Gentleman who has last spoken. He asks, first, what is our intention as to the powers of the Irish Legislature in respect of the matters he has mentioned. The intention is, first of all, that the Irish Legislature, except so far as their powers are restricted by this sub-section of Clause 4, shall have power to deal with education. Undoubtedly, our intention is, they are to deal with education generally; and as the question arises whether they are going beyond their proper functions, you must limit these functions by something which is to be found in Clause 4. We have come to an agreement with the whole Committee that there is not to be direct or indirect endowment of religion. But it was pointed out that there are places in which, as regards education, grants are now made for denominational schools, provided that one denomination is not preferred to another. By Sub-section 2 you cannot confer any privilege on account of religious belief. To prefer a Roman Catholic school, for instance, to a Protestant school, would be preferring that school on account of religious belief. There were other cases that were mentioned, such as chaplaincies—chaplaincies in workhouses or gaols, and there may be others of the same kind. Now, where you endowed or maintained a Roman Catholic chaplain, where under similar circumstances you would not pay a Protestant chaplain, you would give a preference on account of religious belief. In all cases there is no such preference of one religion over another—our intention is that there shall be no interference in such cases. We intend that the law shall be general in its application, so that, in similar circumstances, the Protestant religion would have the same assistance from the State as the Roman Catholic religion; but we do not consider those as cases of endowment of religion at all when there are payments for services rendered under circumstances recognised as proper by this Parliament. Then as to the words "prejudicially affecting," we do not intend to withdraw entirely from the jurisdiction of the Irish Legislature the establishment or assistance of places of denominational education. This is different from re-

ligion. What we do intend is, if there be any assistance given to any place of denominational religion, that shall not be by way of preference. We do not intend to withdraw from them charities; that was settled by the decision of the Committee on an Amendment proposed by the right hon. Gentleman the Member for Bury; and we do not intend to withdraw altogether from them the question of denominational institutions provided they do not infringe on any of the restrictions, every one of which must be obeyed. But really to strike out the word "prejudicially" and leave it as "affecting" these rights would be to prevent all legislation, not only regarding religious endowments, but would also keep charities and denominational institutions altogether out of the purview of the Irish Legislature. As regards the question about the Christian Brothers and religious emblems, I think that belongs to another clause entirely.

MR. SEXTON (Kerry, N.): I think it must be evident to the Mover of the Amendment, after hearing the speeches of the Law Officers of the Crown, that the word must stand part of the clause. I do not share the belief in the difficulty expressed by the hon. and learned Gentleman the Member for Dublin University that he says the word will give rise to in the matter of construction. It seems to me that the meaning of the word is as clear as any word in the English language; and the word is also familiar in connection with this subject, because in Sub-section 4 the word "prejudicially" also occurs. In Sub-section 3 the words are—

"Abrogating or prejudicially affecting the right to establish or maintain any place of denominational education or any denominational institution or charity."

"Prejudicially affecting" is precisely the same as derogating from. It means doing anything injurious to a right; and what Parliament intends is this—that the Irish Legislature shall not have power to do any act injurious to the right

"To maintain any place of denominational education or any denominational institution or charity."

It is intended that the Irish Parliament shall have power to deal with, by legislation, the matters referred to; but it shall not deal with them in any spirit of pre-

ference to one creed over another. It is obvious that in the ordinary course of legislation the Irish Legislature will have to deal with Bills relating to the subject-matter of this discussion. As to the question of construction, if the word "prejudicially" be left out, what then would be the difficulty of construing the clause? The Irish Legislature would not then have power affecting the right referred to. But whatever relates to the right affects the right, so that it would be impossible for the Irish Legislature to deal with any Bill whatever establishing such institutions as are referred to in this section; and in the ordinary course of legislation there must be Bills to establish, to maintain, and to endow institutions of this class. The Irish Legislature, however, would be debarred from dealing with them; and as it is not the intention of Parliament to withdraw absolutely these subjects from the purview of the Irish Legislature, but only to debar the Irish Legislature from doing unjust acts, or showing unjust preference, it is clear the word ought to remain.

*MR. T. H. BOLTON (St. Pancras, N.) said, it might be the intention of the Government to deprive the Irish Legislature of the power of endowing any denomination; but he did not find that anywhere in the Bill. The clause that had been passed prohibiting the

"Imposing any disability, or conferring any privilege, on account of religious belief,"

would hardly apply to the case of denominational schools. It could hardly be contended that an Act of Parliament empowering grants to particular denominational schools would be a privilege within this clause. The term "privilege" would scarcely apply, reading it in connection with the rest of the clause, to the grant of a sum of money to a certain class of denominational schools. If that were so, there seemed to be nothing here to prevent the endowment—he did not say whether this was right or wrong—of Roman Catholic schools, and no obligation to grant a similar endowment to the schools of any other denomination. He should be glad to have the clause pointed out under which it would be efficiently and practically prohibited. The clause they were now discussing prohibited the Irish Legislature from

"Abrogating or prejudicially affecting the right to establish or maintain any place of denominational education."

That was to say, that the Irish Legislature should have no power to pass an Act of Parliament to interfere with the establishment or maintenance of denominational schools, and would be protective, of course, to Protestants as well as Roman Catholics. It was only fair to say that. The object of his rising was to point out that he did not see where in the Bill the intention of the Government was carried out to provide that no grant should be made to particular denominational institutions in preference to other denominational institutions.

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): We do that in Sub-section 2.

***MR. BOLTON** said, with reference to Sub-section 2, he would most respectfully ask the right hon. Gentleman and the Law Officers to consider whether that sub-section could, by any reasonable legal construction, be held to apply to the grant of money and to Acts of the Legislature providing for the grants of money to particular schools where particular denominational teaching might be given? If it was the intention of the Government that no grants should be made to particular denominational schools that were not made to all denominational schools, then he must respectfully suggest that that intention was hardly carried out by the clause they had passed, and an Amendment in specific terms would have to be made in the clause under discussion to carry out that intention.

MR. COURTNEY (Cornwall, Bodmin) was sure no one wished to alter the businesslike character of that Debate. It occurred to him that in the very brief speech of the Attorney General—whom they were all glad to welcome back after his labours for his country elsewhere—and in the speech of the Solicitor General they had not paid sufficient attention to the word "right" which occurred in the sub-section. Their arguments were directed towards action which might prejudicially affect the working of a denominational school by giving or withdrawing from it grants in aid. But they were not there concerned with action

which would touch the working of an institution when established, but with the "right to establish or maintain" it, and he failed altogether to understand how a distinction could be drawn between "prejudicially affecting" and "affecting" that right. If the right was affected at all, he thought it must be affected in a prejudicial manner; therefore the word was superfluous. He should be glad if his hon. and learned Friend could give him an illustration of the kind of action to which the word "prejudicially" would be applicable, and, if the word were left out, an illustration of the mischief "prejudicially" was supposed to obviate. It appeared to him that the governing word being "right," to insert "'prejudicially' affecting that right" was certainly to use a superfluous word, and one which ought not to be added to the clause.

MR. GIBSON BOWLES (Lynn Regis) thought this clause, although it prohibited the Irish Legislature from passing any law prejudicially affecting the right to establish or maintain any place of denominational education, would allow it to pass any law beneficially affecting that right. Was he right? [Sir J. RIGBY assented.] That being so, he wished to point out how that might possibly be in derogation of other rights affected. For instance, suppose the Irish Legislature should pass an Act beneficially affecting the rights of certain denominational schools while leaving out other denominations altogether. In proportion as the right of one denomination would be beneficially affected, in the same degree they would derogate from and impair the rights of other denominations, and he would suggest that the point might possibly be met by getting rid of the words "abrogating or prejudicially affecting" and inserting in their stead the single word "impairing," which was a well-known word used in many Constitutional Acts.

COMMANDER BETHELL (York, E.R., Holderness) said, as he understood the matter at present, anybody had a complete right to establish or maintain any of these places of denominational education. Any legislation which affected that right must in some degree diminish or prejudicially affect it. The governing word in the sub-section was "right;" and if any law was passed varying that right

it must prejudicially affect it, so that the word proposed to be left out was entirely superfluous.

***SIR C. RUSSELL** : The intention of the Government is that expressed by the Solicitor General, and it seems to me to be effected by Sub-section 2, as strengthened by the addition of words moved by my right hon. Friend the Member for Bury, and accepted by the Government, and which provide that the powers of the Irish Legislature shall not extend to

"Imposing any disability or conferring any privilege, advantage, or benefit on account of religious belief."

That is distinctly the purpose of the Government, and is there expressed. The right hon. Gentleman the Member for Bodmin asks me for an illustration of "affecting" which would not be prejudicial. His argument at the most comes to this: that the word "prejudicially" is superfluous, and is it worth while wasting the time of the Committee merely upon a question whether or not it is superfluous? That is practically the objection to it. I can only suggest to my right hon. Friend that one can well conceive a case in which there might be a course of action which fortifies that right instead of prejudicially affecting it.

MR. TOMLINSON (Preston) : I beg the hon. and learned Gentleman's pardon for interrupting him, but it is really impossible for Members on this side to hear a word he is saying.

***SIR C. RUSSELL** : I beg pardon. There is an acknowledged right of persons to establish in Ireland on their own account denominational schools representing various shades of religious opinion, and why should not the Legislature think it right to assist them? It might assist them in respect to obtaining sites in the same way we have in this country a Bill for obtaining sites for places of worship. I do submit to the Committee that the most that can be said in favour of the Amendment is that the section contains a superfluous word. We do not think the word is superfluous, and, therefore, we desire to retain it.

MR. A. J. BALFOUR (Manchester, E.) : The section of the clause we are now discussing gives to the Irish Legislature the power of extending rights—though not of diminishing them—with regard to denominational education.

Commander Bethell

But if you are going to allow Parliament to deal with these rights, how are you to prevent them preferentially dealing with them? I will give a case. Supposing there was to be a denominational school started in connection with one denomination in Ireland—for the sake of argument, I will say the Roman Catholic Church. A Private Bill might be passed to give special facilities for obtaining a site for that school, while no such Bill would be passed for obtaining a site under similar circumstances for a school for the Protestant denomination. The point is a contest between sects. We are assuming there is such a contest, and these sub-sections are meant to deal with them. Whether they deal with that contest effectually or ineffectually—I say ineffectually—under these sub-sections, there is nothing that would prevent that preferential treatment which the Government desire to stop as well as we do, and certainly the word "prejudicially," to which the Government attach so much value, would not have the effect of stopping that preferential treatment, because it will be observed that, although under this clause it would be impossible for the Irish Legislature to injure preferentially a Protestant denominational school, it would be in their power to assist preferentially a Catholic denominational school, and it does not matter whether you produce your inequality by depressing the one side or raising the other, the ultimate result, as between the two classes of people affected, is the same. I remind the Committee of what occurred yesterday in connection with the denominational Training Colleges, of which there are two—one a Protestant Episcopalian, the other Roman Catholic. The Government had come to the conclusion—I confess I was startled at the decision—that under the Bill it would be possible for the Irish Legislature to continue an annual grant by an annual Bill in favour of these denominational Training Colleges. If it is possible for them to do that with regard to one Catholic Training College it is possible for them to do it with regard to half-a-dozen or a dozen or two dozen such institutions, and again you would have the preferential treatment of one denomination over another, which, as I said before, the Government desire to stop, and which we desire to stop. I am convinced that

the words of this and other sub-sections do not carry out this object, and I press upon the Government the advisability of considering if their intention cannot be more plainly indicated than is the case at present.

MR. SEXTON : I submit, Sir, that the words in the 2nd sub-section effectually provide against the evils anticipated by the right hon. Gentleman (Mr. Balfour). That sub-section is to the effect that the Irish Legislature must not, under any circumstances whatever, impose any disability or confer any privilege or benefit on account of religious belief. The right hon. Gentleman, in his extreme ingenuity, has suggested that the Irish Legislature might not violate the 2nd sub-section by general legislation where a breach of the 2nd sub-section would appear upon the face of a Bill, but he said they might proceed to deal by Private Bills with individual institutions, and that having passed one Private Bill giving an advantage to a Catholic institution, they might refuse to pass a second Bill which would deal in a similar manner with a Protestant institution. I submit with very great confidence that the Judicial Committee of the Privy Council, in administering judicially Clause 4 of the Bill, would be entitled to take cognisance not only of what was upon the face of the individual Statute, but also of the course of legislation, and if the Privy Council upon considering any Bill passed by the Irish Legislature had before them the fact that there had been a course of legislation even by Private Bills favourable to Catholic institutions, followed by the rejection of similar Bills favourable to Protestant institutions, it would be in the power of the Judicial Committee of the Privy Council to declare all future Bills of that sort *ultra vires* upon the ground that the Irish Parliament had imposed disabilities and conferred benefits on account of religious belief. I think, therefore, the danger to which the right hon. Gentleman referred is entirely illusory, and that the Judicial Committee of the Privy Council would take cognisance of the spirit and force of legislation as well as of each individual Statute.

MR. PLUNKET (Dublin University) asked whether, in deciding such questions, the Judicial Committee or Court of

Appeal would have to have regard to the proportion of the population of the different sects? If that were so, could it not be contended that whereas there were only two Denominational Colleges, one of these represented a small minority of the whole population, whilst the remaining portion of the population had only one institution.

MR. MACARTNEY (Antrim, S.) wished to point out how it might be possible to treat preferentially one class of denominational schools against another class. The curriculum differed very much in the denominational schools. Conventual and monastic schools, for instance, got large grants for subjects connected with the Science and Art Department. It might be quite possible for the Irish Legislature to grant large sums for one particular class of subjects, without acting in contravention of the sub-section, because in doing so they could not be said to be conferring any privilege or imposing any disability on account of religious belief. In this way a preference could be given to particular schools. He did not see how the Legislature was to be prevented from doing this by Sub-section 2 or 3. He thought it would be admitted that the matter was open to grave doubt.

MR. CARSON (Dublin University) said, he did not at all differ in substance from what the Government had said, and if words were put in which would provide that no preference should be given to one denomination over another, he should not be averse to the retention of this word. Under the 3rd sub-section it must be admitted that such a preference could not be prevented, and, therefore, they were driven back to Sub-section 2. Under that sub-section it was anything but clear that if a particular advantage were given to one denomination over another, it would be held to have been given on account of religious belief. Why should the Government not introduce words into the Bill which would make it perfectly clear that the Irish Legislature should not give preference to one sect more than to another? If they took the case indicated by the hon. Member for Kerry (Mr. Sexton) they would see what was meant by his argument. The 2nd sub-section did not cover that point as to giving a site on the ground of religious belief. He

thought the Government should meet them, and endeavour to make the matter clear.

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): The hon. and learned Gentleman has made a declaration of principle in which we are entirely at one with him; but the hon. and learned Gentleman says that we ought to legislate clearly and unequivocally against preference. When we referred back to Sub-section 2, we did not do that upon the assumption that we had attained a final perfection of language; but what we did think was—and what we do think is—that it is much better to legislate against preference by one comprehensive provision than to do it piecemeal, and in fragments. We are not so much attached to our own language as not to be willing to have it amended to satisfy the views of others, if we are satisfied that no mischief will be done; but we think that it is far better to deal with this question of preference as a whole, and, consequently, it would not be wise to introduce amending words into this sub-section.

MR. J. CHAMBERLAIN (Birmingham, W.): I think, Mr. Mellor, the statement that has just been made ought to be satisfactory to the Committee, and, in that case, I would recommend my hon. Friend to withdraw his Amendment. Something more is wanted to carry out the object of the Committee. Even if the word were struck out, it would be possible, indirectly, to give preference to one domination over another. I understood my right hon. Friend to say that the Government were not so attached to their own language that they would not consider the advisability of introducing a sub-section dealing generally with this matter of preference.

An hon. MEMBER on the Government Benches interrupted.

MR. J. CHAMBERLAIN: Well, now, here is an hon. Member who always tries to explain what my right hon. Friend means.

MR. W. E. GLADSTONE: What I said was that the most effective manner of proceeding was to deal with the question of preference in one enactment, and not in several; and that the Government were not so attached to their own

language as to refuse, if that language required enlargement, to give a favourable consideration to an Amendment having that object.

MR. J. CHAMBERLAIN: That is what I was going to say. My right hon. Friend's position appears to be that, so far as this particular matter is concerned, the Government are of opinion that it has been sufficiently guarded against; but, at the same time, if a separate proposal were brought up to deal with preference, they would favourably consider it.

MR. W. E. GLADSTONE: Or in Amendment form.

MR. J. CHAMBERLAIN: Yes. What we have to fear is indirect preference. That is much more likely to be exercised than direct preference, which would be flagrantly unjust. Indirect preference is to be feared, not merely in the case of different sects, but also in questions affecting persons and parties and trade. It is possible to give undue preference to a particular trade; and I take it that the Government would desire to prevent that. There is a parallel case in our railway legislation, which raises one of the most difficult questions of preference that could be considered. My right hon. Friend is doubtless aware that in the Railway Acts there is a clause providing against undue preference, and the definition of what is undue preference is left to the decision of the tribunal. It is well that we should not deal with the question *ad invidiam* as against possible sectarian preference, but should have regard also to other forms of preference in other matters. If an Amendment carrying out that view would be favourably received by the Government, I think the Amendment of the hon. Member for Ayrshire might be withdrawn.

MR. COCHRANE said, he would ask for leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

THE CHAIRMAN: The next two Amendments standing in the names of the right hon. Gentleman the Member for the Bodmin Division of Cornwall (Mr. Courtney) and the hon. Baronet the Member for Bassettlaw (Sir F. Milner) are out of Order. The next Amendment in Order is that standing in

the name of the hon. Member for Herts, St. Albans (Mr. Vicary Gibbs).

Mr. VICARY GIBBS (Herts, St. Albans) said, he rose to move to insert in the clause as a separate sub-section—

“Imposing any new disability or conferring any new privilege on any institution belonging to or conducted by any religious denomination; or.”

What he wanted to point out was that, under Sub-section 2, the Irish Government would be in a position to give monetary grants to Roman Catholic Colleges—not perhaps directly as such, but in other ways. The Solicitor General had stated that there could be no endowment of any denomination on account of religious belief. That was satisfactory as far as it went; but it would be more satisfactory if it were stated clearly in the Bill that it could not be done, directly or indirectly. He did not suggest that the Members of the Irish Parliament would wilfully do what was unjust; but, like other men, they would have the common frailties of human nature, and would be tempted to give preference to those institutions which were in accord with their own views. It was on that ground that he wished to distinctly provide that no special privilege should be given on the one hand, or new disability imposed on the other, in respect to particular religious denominations—especially as religious differences were at the bottom of a great deal of the ill-feeling that had existed in Ireland. He hoped the Government would agree to the acceptance of the sub-section.

Amendment proposed,

In page 2, after line 26, insert “(4) Imposing any new disability or conferring any new privilege on any institution belonging to or conducted by any religious denomination; or.”
—(Mr. Vicary Gibbs.)

Question proposed, “That those words be there inserted.”

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar): I quite follow the intention of the hon. Member; but I think the Amendment goes further than he intends. The effect of it would be to withdraw entirely from the Irish Parliament everything connected with denominational schools. None of us, I apprehend, intend that. But it is intended that so long as no special privilege or preference is given to a particular denomination, the Irish

Parliament should be able to give additional advantages to denominational institutions, and even to impose restrictions where it may be thought desirable to do so in connection, for instance, with the teaching of particular subjects, such as science and art. If the Amendment is intended to take away all power of legislation with regard to schools from the Irish Legislature the Government cannot accept it.

MR. A. J. BALFOUR: I have no reason to complain of the general tone of the Government on the question of religious disabilities in Ireland; but I think they have not realised the difficulty of the problem they have undertaken to deal with. My hon. Friend has done well to put down the Amendment, because it is the only one which really proposes to do something effectual with respect to future preferential treatment of schools by the Irish Government. The Chief Secretary knows that of all questions that divide Irish society those relating to the treatment of denominational or *quasi*-denominational schools are far the most burning in Ireland, and the most difficult to deal with. The division of opinion and Party follows closely the question of religious belief.

An Irish MEMBER: Certainly not.

Another Irish MEMBER: No, no!

MR. A. J. BALFOUR: Well, many illustrations can be given in proof of my statement. I know myself of sharp divisions on this question on lines of religious belief, and you have the question of the Training Colleges—Episcopalian and Roman Catholic. The result of the Amendment would be that no future alteration could be made in the privileges now given to these institutions by Parliament, and that would practically effect the object the Government have in view. If the Amendment is not adopted I do not see how the Government are going to prevent the Irish Parliament from paying the Training Colleges and analogous institutions out of the public funds, and devoting such funds to the establishment of denominational schools under one particular scheme to the disadvantage of other schools. Such action on the part of the Irish Legislature would clearly be contrary to the policy of the Government. In those circumstances, I cannot understand why the Government

do not accept the Amendment. We are all agreed as to what we want. It is clear that the Irish Government, under Sub-section 2, may do what they like in regard to the Training Colleges. Denominational education is only accepted by the Roman Catholics at present simply because it is denominational. I am not entering into any controversial matter, but dealing with the subject of the Amendment. I should certainly advise my hon. Friend to debate this matter thoroughly, and to press it to a Division unless he succeeds in obtaining a promise from the Government that the question will be properly dealt with. I am going on the assumption justified by the statement of the Law Officers of the Crown, that it is competent for the Irish Government under Sub-section 2 to do what they like in the way of endowment or contributing to Denominational Colleges for the education of teachers and, for anything I know, for the education of priests also.

MR. W. E. GLADSTONE: That would be endowment of religion.

MR. A. J. BALFOUR: Would it be more endowment of religion than the endowment of Training Colleges? I cannot see that it would be. In the one case people are trained for the purpose of going into Holy Orders, and in the other case they are trained for the purpose of teaching children. But in both cases it is denominational education and is only as such accepted by Roman Catholics.

LORD R. CHURCHILL (Paddington, S.): My right hon. Friend made some remarks which I think all will agree with—namely, that if the right hon. Gentleman the Prime Minister does not quite approve of the words of the Amendment, perhaps the Government would either themselves suggest words, or accept other words proposed from these Benches, to carry out what I think is the object of all Parties in the House. The Government will find in the Elementary Education Act of 1870 a clause setting forth how denominational and Board schools are to be dealt with in regard to the denominational system. These are the words of Sub-section 2 of Clause 97—

“But such condition shall not require that the school shall be in connection with a religious denomination, or that religious instruction

shall be given in the schools, and shall not give any preference or advantage to any school on the ground that it is or is not provided by the School Board.”

I have incorporated some of those words in an Amendment I would suggest to be added to the last line of the clause, as follows :—

“Or giving any preference or advantage to any institution on the ground that it is or is not provided or maintained by any special religious denomination.”

These words have been very successful in connection with the large grants to the denominational and Board schools, and I think they would afford a solution of the present difficulty.

MR. SEXTON said, the Committee might have expected from the noble Lord that he would have put the words of his proposal down on the Paper.

LORD R. CHURCHILL said, that attention had not been drawn very closely to the words until this afternoon when the issue was raised.

MR. SEXTON said, the noble Lord would admit that the task of interpreting the words at the moment was difficult. He (Mr. Sexton) had heard them read twice, and they appeared to him to import that the Irish Legislature should not have power to give any advantage to an educational institution on the ground that it was or was not provided for a particular Religious Body. It did not appear to him that the words added anything to Sub-section 2.

LORD R. CHURCHILL said, he advocated the adoption of the form of words in the Education Act, because they had enabled the English Government to divide the large education grant without the slightest trouble equally between denominational schools and undenominational schools.

MR. SEXTON said, that if the Irish Legislature violated these conditions they would, at the same time, violate the conditions of Sub-section 2. They could not give an advantage or benefit to a school on the ground that it had been provided by a particular Religious Body without conferring a privilege. It was open to the objection which the right hon. Gentleman the Prime Minister had put with unanswerable force—namely, that it was better to deal with a great principle by a particular large provision than to return to it again and again with

sectional and subsidiary provisions which, because of their textile difference from each other, must, instead of forwarding the object in view, lead to confusion. The right hon. Gentleman the Leader of the Opposition on this matter had been afflicted with some confusion of thought which was rare to him. The right hon. Gentleman seemed to think that if they endowed religion, whether in a College for ecclesiastics or a Training College, it was the same thing. There was a gulf of difference between helping a Denominational College, which, though it was denominational, trained teachers to teach afterwards in schools protected by the Conscience Clause, and endowing a College where ecclesiastics were trained for the single purpose of serving as ministers of one religion. The right hon. Gentleman would surely withdraw his argument on that subject. But that was not the only matter on which the right hon. Gentleman had shown confusion of thought. He had spoken of differences in Ireland on legislative questions which were continuous with religious creed, and he had illustrated that by saying that on some questions all the Catholics and the great body of Protestants were on one side and a particular body of Protestants on the other. But that would not be a difference founded on a difference of creed if they had the Catholics and the Protestants acting together.

MR. A. J. BALFOUR: You might have the Presbyterians on one side.

MR. SEXTON said, he had always understood that the difference between Protestants and Presbyterians was not a difference of creed, but as to episcopacy and practice. The right hon. Gentleman had spoken of guarding against future preferential treatment; but surely Sub-section 2 was not bounded by time—confined to a privilege conferred at any particular time. Therefore, it was evident it could not be the newness of the privilege, or the time at which it was attempted to be conferred, that Section 2 dealt with. The Amendment would do nothing that the Committee desired which could not be done by Sub-section 2, and by adopting it they would bar the Irish Legislature from taking action in regard to institutions conducted by religious denominations, but not dealt with on account of religious

considerations. That would be clearly undesirable. The whole system of reformatory and industrial schools in Ireland was carried out by religious orders. Protestant children were sent to schools conducted by Protestants—sometimes by Protestant religious orders. Catholic children went to institutions conducted entirely by religious orders of monks and nuns. Supposing the Irish Legislature desired to alter the rules, or establish an audit of accounts, or to extend the certificate for the number of children that might be in any reformatory school in Ireland, they would be unable to do it. They would have to leave the whole system stereotyped. The form of the Amendment before the Committee was only to be explained by the hon. Member's ignorance of Ireland. It would not meet the object the Committee had in view, and would prevent the Irish Legislature from having control over reformatory and other industrial schools, even in the interest of Protestants, which was a thing he was sure the hon. Member could not desire.

MR. MACARTNEY (Antrim, S.) did not see in Sub-section 2 any protection whatever against the apprehensions the Opposition entertained as to these educational establishments. He quite recognised the spirit in which the Government had met the Opposition. He believed the Prime Minister and the Government did recognise that there was some difficulty in the matter. His (Mr. Macartney's) view was that these difficulties would not arise in any way in any matter that could be brought under Sub-section 2. There could be preference given to one sect over another, and it could be done in such a way that it would be impossible for any Court before whom a case was brought to come to the conclusion that it was done on account of religion. The Amendment proposed appeared to meet directly the apprehensions of the Irish Unionist Members, which apprehensions, he was bound to say, had been considerably increased by the speech of the Solicitor General. The hon. and learned Member had shown how large would be the powers of the Irish Legislature under the sub-section. They would be able to deal in almost every possible way with these denominational institutions. The hon. and learned Gentleman's objection to the Amendment was

that if the Committee accepted it, it would be impossible for the Irish Legislature, with the best intentions in the world, to deal with these institutions by way of altering their rules, conferring new privilege, or imposing any disability. The hon. and learned Gentleman's objection might be met by adding at the end of the Amendment the words "to the disadvantage of any other." That might also meet the objections of the hon. Member for North Kerry, who had brought forward the case of the reformatories. No doubt, those institutions were managed denominationally by both Protestants and Catholics, and it was necessary that some rule should be adopted which would prevent anything being done in the interest of one set of schools, which would tend to the prejudice of another set. He trusted the Amendment would be pressed to a Division.

*SIR C. RUSSELL: I think this subject is hardly being discussed in a business-like fashion, inasmuch as we have all our attention diverted from the Amendment by the suggestion of the noble Lord the Member for South Paddington. With regard to the Amendment before the Committee, it will be observed that it has not received unqualified or hearty support from anybody.

MR. A. J. BALFOUR: It has from me.

*SIR C. RUSSELL: I think the speech of the right hon. Gentleman was fully answered by the hon. Member for North Kerry, and to put the criticism on a narrow and minute ground I would point out that the illustrations advanced by my hon. and learned Friend the Solicitor General have not been answered.

MR. A. J. BALFOUR: I will notice them presently.

*SIR C. RUSSELL: It would not be open for the Legislative Body, under the Amendment, to make rules for institutions conducted by religious denominations, although those rules might be such as the whole community in Ireland would agree with and desire. The illustration of my hon. and learned Friend has not been answered. It was this: supposing the Irish Legislature offered prizes to such institutions as have teaching in Science and Art, and would not give prizes to such institutions as

have not such teaching. That, in the one case, would be offering an advantage, but in the other it would in a sense be imposing a new disability. The speech of the hon. Member who has just sat down showed that every one of these Amendments is still harking back upon Subsection 2. The hon. Member who has just spoken admits the case put by the hon. Member for North Kerry, that certain institutions would not be properly dealt with by the Amendment as it stands; and, therefore, he proposes to add the words "to the disadvantage of any other." What is that but our old friend Subsection 2? The proposal of the noble Lord opposite and the points dealt with by the Prime Minister and by the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain) again relate to Clause 2. There is no difference in the object of the Government and the object of those who are pressing the Amendment, that object being to provide that there shall be no undue or preferential treatment given to religious denominations. That being the view the Government have expressed, we are glad the noble Lord has been good enough to make this suggestion. The Government will consider the matter and see if Clause 2 can be strengthened so as to meet the point raised.

MR. A. J. BALFOUR: The hon. and learned Gentleman seems to think that I failed in answering the objections of his learned Colleague, and I gather that his opinion is in favour of debate by illustration—that the person who gives the greatest number of unanswerable illustrations may be considered to have the best of it. Well, I accept the challenge, and I will give him some illustrations. The Solicitor General asked—"Would you prevent rules being passed as to Science and Art grants?" I should be glad if some plan could be hit upon to leave such indifferent matters to the Irish Government, provided it did not carry dangers with it. I will give my illustrations. The Catholic Hierarchy in Ireland does not approve of the teaching of such subjects as history and philosophy, except under the immediate supervision of the Church. Suppose the Irish Legislature passed a rule giving preferential advantages to those institutions which do not teach history and philosophy as against those which do. What is to prevent that

being done under the clause as it stands? My second illustration is drawn from the statement of the hon. Member for North Kerry. "Would you prevent certificates being granted under the superintendence of the Irish Government to new industrial schools, these schools being invariably denominational institutions in Ireland?" If you are not to withdraw that power from the Irish Government, I say you will be giving them the most ample opportunity of treating preferentially one sect as against another. There is no appeal to the Privy Council or to the Judges, or to that Executive by which the certificates to industrial schools are granted; and it would, therefore, obviously be in the power of the Irish Government, unless some such Amendment as this is adopted, to increase indefinitely the grants to the industrial schools of one denomination to the exclusion of others. My third illustration—one to which no answer has been given—is as to Training Colleges. I have put it over and over again, and not a word of reply has been given by the hon. and learned Gentleman who is so sensitive about illustrations which are not answered. The hon. Member for North Kerry says I am guilty of confusion of thought in regard to Training Colleges and Colleges for the training of priests. I fully admit that there is a difference, but it is one of degree and not of kind; and it is extravagant to ask the Committee to say that the denominational institutions established for the purpose of training teachers denominationally are not in their nature as denominational as a College would be likely to be established for the sole purpose of the education of priests. What should prevent the Irish Government, without assigning a reason? passing a Vote to increase the grant to a Roman Catholic College, leaving the Protestant Colleges as they are? I do not see how you are to prevent that, and the Government have not given one jot or tittle of answer to my argument. If in the Appropriation Act—or whatever Act they might choose to do it in—they thought it desirable to increase the endowments of the Roman Catholic Colleges, what would there be to check it? Until I have these illustrations replied to, I shall hold the view that the hon. Member is bound to go to a Division and take the opinion of the Committee on his Amendment.

MR. W. E. GLADSTONE : I do not say that the speech of the right hon. Gentleman was not important, and contained much for consideration; but it did not go to the question immediately before the Committee. Whatever happens, I think that the view of the Committee is that this Amendment ought plainly to disappear. I was rather under the impression that the Mover of it was inclined to withdraw it.

MR. VICARY GIBBS : I am not.

MR. W. E. GLADSTONE : The right hon. Gentleman's speech turned upon illustrations, and he has referred to the case of Training Colleges. The position of the Government on that point is, I think, clear. Training Colleges are essentially connected with education. Their purpose is to fulfil the functions of schools, and the Government are unable to detach the questions affecting the Training Colleges from the questions of schools which the Training Colleges are intended to supply. We do not deny that Training Colleges have, as I am inclined to believe they ought to have, a denominational character; at any rate, they have that character. They are attached to schools of a secondary character, and, therefore, the Government recognises the responsibility distinctly that Training Colleges may very properly be supported by the Irish Legislature; but we apply to Training Colleges the same rigid rule against preference as we desire to see applied to the whole of the doings of the Irish Legislature. I can conceive a case of some denomination in Ireland, insignificant in numbers, and not able to support Training Colleges. Their application for aid might be refused. That might be a legitimate matter for the Irish Legislature to consider, if such refusal were based on grounds of insufficient purpose in the future, or insufficient resources; but if, on the ground either avowed, or from the act of the Irish Legislature, that Body had conceived a determination to establish Roman Catholic Colleges, and refused public assistance for the benefit of any similar institutions, this would be as flat a violation of what would be enacted in the Bill as it is possible to conceive. It appears to me that such a proceeding would be in direct violation of the important principle of the Bill; and if the action of

the Irish Legislature could not be got at in the Courts of Justice—and I hope this may not be so—in my opinion, it would warrant resort to the Imperial Parliament for the purpose of defending its own act. The right hon. Gentleman has also referred to the fact that a University may be established. But it appears to me that a Training College is a Training College and a University is a University, and to mix up the two subjects is altogether beside the question. A University exists wholly irrespective of the other institution.

MR. A. J. BALFOUR: Can the right hon. Gentleman, if he takes that view, point out what sub-section of the clause would prevent the establishment of Denominational Colleges?

MR. W. E. GLADSTONE: I am referring to the right hon. Gentleman's speech. My point is that no establishing of any institution could take place under the Bill which was founded on preferential principles. The right hon. Member for West Birmingham referred to the question of indirect preference as well as direct preference. There was considerable force in the contention of my right hon. Friend, and indirect preference is not an improper object for the consideration of the Committee. The liberty of taking an impartial view and acting without reference to religious distinctions as between one Party and another we desire to leave intact, as far as we can venture to do so, in all cases where the highest considerations do not intervene; but as to disguised motives actuating the Irish Legislature and inducing them to make differences as between one religion and another, I am bound to say I do not, in the least degree, suspect such a thing after what I have seen in a long Parliamentary experience of the conduct of the Irish Members. But I fully admit that this is a question on which it is desirable to act with every consideration, and that we ought to omit no means of excluding that which people may seem to apprehend.

MR. A. J. BALFOUR: I do not mean to go again into the controversy which the right hon. Gentleman has dealt with. I have laid my case as well as I can before the Committee. The right hon. Gentleman has replied; and although I do not think his reply is satisfactory, I shall not repeat the arguments I have already used. But I want

to put one question to him. By way of interjection, I asked him about a Catholic University or College, and it is well-known that I have always been in favour of a Catholic University or College in Ireland. But it is not understood to be the view of the Government that the Irish Legislature should have the power of endowing such a Catholic College or University? Yet, surely it might be contended that, as there are Protestant Chairs of Theology in Trinity College, the Irish Legislature would have a right without preferential treatment—and I do not think it would be preferential treatment—to use their funds either to establish a Catholic University with a power of giving degrees, which I think would be very bad policy, or to establish a Catholic College without the power of giving degrees, which I think would be beneficial. I do not understand, however, that the Government intend that this matter shall be dealt with by the Irish Parliament. If that be so, I wish the Government to point out what clause of the Bill or what sub-section of this clause would prevent the Irish Legislature doing it.

MR. SEXTON: The right hon. Gentleman has, not for the first time in the Debate, raised a question of great gravity. I think the right hon. Gentleman would act more properly if he brought forward such a question on some specific words instead of by incidental questions on an Amendment which is not relevant to the subject in hand.

MR. A. J. BALFOUR: Surely the Amendment raises it.

MR. SEXTON: I think not. I think anyone who reads the Amendment will see that whatever it relates to, it does not cover the founding of a University. I do not know whether anyone will contend that the provision for University education in Ireland is now to be regarded as complete.

MR. A. J. BALFOUR: I do not think it is.

MR. SEXTON: Then I do not know whether the right hon. Gentleman will be disposed to contend that any further provision necessary to complete it should be reserved to the Imperial Parliament, no matter what such further provision may be. Is it proposed seriously at this time of day to withdraw from a Legislature in Ireland the task of completing the provision for University education in that

country without regard to the question whether it should be carried out or not in the interests of a particular section of the community?

MR. A. J. BALFOUR : Does the hon. Gentleman desire me to answer him now?

MR. SEXTON : Yes.

MR. A. J. BALFOUR : Then my answer is quite direct and simple. I should not leave to the Irish Legislature the power of taxing Protestants and Catholics alike in Ireland for the purpose of establishing a denominational place of education.

MR. SEXTON : The right hon. Gentleman delivers a colourable reply, and one founded entirely on assumption. He also ignores some of the features of the case, and does not point out that which he was very willing to enlarge on when he sat on the opposite side of the Table three years ago—namely, that all the provision for University education in Ireland now is practically of a Protestant character. The hon. Member went on to submit that if the great question of University education was to be raised, and the right hon. Gentleman was going to endeavour to impose restrictions on the Irish Legislature which would not be tolerated in the case of any other civilised country, the subject ought to be carefully weighed before any conclusive declaration was made. It was evident that the provision for University education must be developed and supplemented in Ireland. For his own part, he should resist the insertion by anticipation of any restriction in the Bill importing that the Irish Legislature was not to be trusted on the question of Irish University education.

MR. VICARY GIBBS said, he fully recognised the fact that the adoption of the Amendment would have the effect of crystallising the situation in so far as denominational education was concerned, and that it would prevent the Irish Legislature from making possibly useful alterations for or against certain Denominational Bodies. But he recognised also that the Committee was face to face with what seemed to him to be a more serious danger. In Ireland there was very great jealousy between religious communities—

An hon. MEMBER : Not more so than in England.

MR. VICARY GIBBS said, that, at all events, the jealousy manifested itself much more strongly than in England, and he thought no one would dispute that both sides would be very ready to endeavour to advance the cause of their own creed as against that of a creed in which they were not interested. It seemed to him that unless some such Amendment as he had proposed were accepted the Irish Legislature would be able to establish a Roman Catholic University. There would be a great many people in England who would very much object to their having power to do that, and he thought the Committee ought to have its attention called definitely to any clause which would prevent it.

***MR. TALBOT** (Oxford University) asked whether his hon. Friend would consent to insert the word "preferential" before the words "disability" and "privilege"? This would remove the objection stated by the Government, that the Amendment as proposed would forbid any alteration.

MR. VICARY GIBBS said, that if the Government would assent to the Amendment with that word included in it he would accept it. He had, however, no reason to suppose that the Government would assent to it. He quite recognised that the matter had been fully discussed, and that the Committee saw the very grave danger that would arise under the Bill in its present form. With the leave of the Committee he was prepared to withdraw the Amendment.

THE CHAIRMAN : Is it your pleasure that the Amendment be withdrawn? [*Cries of "No!"*]

Question put, and negatived.

THE CHAIRMAN : The next Amendment (Mr. Brodrick's) is out of Order.

***MR. GERALD BALFOUR** (Leeds, Central) moved to add a new sub-section, withdrawing from the Irish Legislature the power of making any law

"Determining the qualifications necessary to the holding of any judicial office, or of any office of the Executive Government in Ireland."

He said that this Amendment differed in character from most of those which had been proposed by his hon. Friends on this and the previous clause. Those Amendments in general aimed at curtailing and restricting the powers of the Irish Go-

vernment, including the Executive as well as the legislative branch. This Amendment had for its object not to restrict the powers of the Irish Government generally, but only of the legislative branch of that Government. It was one of a series of Amendments which he had placed on the Paper and which were intended to prevent the Legislative Body in Ireland from encroaching on the Executive. The experience of history had shown that where a Government consisted of different branches—

MR. J. MORLEY: I rise to Order. I submit that it is not possible to discuss the hon. Member's Amendment without reference to those qualifications and conditions of Executive power which will come under Clause 5, and that, therefore, the Amendment is out of Order.

***THE CHAIRMAN:** I think it will be necessary to refer to Clause 5, but I do not think that as this Amendment concerns the legislative powers only that it is out of Order here.

***MR. GERALD BALFOUR** said, that the Amendment dealt only with the legislative powers and not the Executive powers of the Irish Government, and, therefore, properly came in here. The experience of history showed that where a Government consisted of various branches intended to form a counterpoise one to another, there was an inevitable tendency in each branch to enlarge its powers and extend its range at the expense of the others. In such a struggle, as between the Executive and a Legislative Body, there was no equality of contest unless special precautions were taken to protect the Executive from encroachment of the Legislative. The history of this country for the last two or three centuries had been a history of the encroachment of the Legislature on the powers of the Executive. The same might be said of the Irish Government in the last half of the last century. In America, though in a less degree, Congress had been slowly encroaching on the powers of the Executive notwithstanding the safeguards provided by the Constitution. The other day he moved an Amendment to withhold from the Irish Legislature control over the appointment of Judges. That Amendment was not accepted by the Committee, but it was generally recognised on both sides that the appointment to judicial posts should be vested in the Crown, and he

intended at a later stage to propose an Amendment to effect that object, and a similar Amendment with reference to the officers of the Executive Government. But it was not sufficient that these appointments should be vested in the Executive, valuable as that would be as a check on the powers of the legislative branch, so long as power was left to the Legislature to determine the necessary qualifications for the holding of such posts. By way of illustration, he would point out that it would be possible as the Bill now stood for the Irish Legislature to pass a law that nobody should be appointed to the judicial office who had not been domiciled in Ireland for a certain number of years, or who was not Irish by birth and parentage, or that nobody should be appointed to judicial or Executive posts who had held such posts under the existing *régime*. There were various methods in which it would be possible for the Irish Legislature to interfere in practice with the appointments made by the Executive, and it was difficult to forecast them exactly, for they might take curious and unexpected forms. The other day he came across a curious case of disqualification in connection with State appointments in the State of Virginia. In 1871 the State of Virginia induced the bondholders to abate one-third of their claims on the understanding that they should receive bonds with coupons attached, those coupons bearing on the face of them that they were receivable in payment of taxes. After the enfranchisement of the negroes a different policy prevailed, and the State passed Statute after Statute to get rid of its liability. The Statutes were declared invalid one after another by the Supreme Court, and as another means of effecting the same object those who offered the coupons in payment of taxes were made ineligible for public offices. He mentioned that as an illustration of the curious forms in which the State might interfere to determine the qualification of persons appointed to offices, and so interfere with the appointments themselves. The Solicitor General said, on the previous day, that the restrictions contained in this clause were intended to guard against real, not imaginary, dangers. He submitted that the danger to which he had called attention was real, and in that belief he begged to move the Amendment.

Amendment proposed,

In page 2, line 29, after the word "or," to insert as a new sub-section the words "(5) Determining the qualifications necessary to the holding of any judicial office, or of any office of the Executive Government in Ireland; or."

—(Mr. Gerald Balfour.)

Question proposed, "That those words be there inserted."

*SIR C. RUSSELL: The Government cannot accept this Amendment. The hon. Member has, no doubt, said all that can be said in favour of it, but he has not given any illustrations of the danger which he conceives to be real and not merely imaginary. If the Irish Legislature have these powers, no doubt it would be perfectly true to say that it might exercise them in a ridiculous and absurd fashion. There is no reason why it should not declare that no man shall be a Judge who is not of a particular stature, or whose name does not begin with a certain letter of the alphabet. It might be capable of any absurdity of that kind; but that is not what the hon. Gentleman who moved the Amendment means. What the hon. Gentleman means is that some unjust and inequitable qualifications may be laid down, which would result in improper selections. But the Amendment goes much wider than that. Under the Amendment it would be impossible for the Irish Legislature to lay down as an ordinary condition that no one should be appointed to a judicial office who has not been at the Bar for a certain number of years, or that a man should retire and be disqualified for acting as a Judge after a certain age.

*MR. GERALD BALFOUR: The Executive might lay down that rule.

*SIR C. RUSSELL: I do not see why there should be given to the Executive, which will grow out of, and be the creation of, the Legislature, a power which will not be given to the Legislature itself. The answer to this and other Amendments is that, with whatever care the Bill may have been framed, it is possible to put cases in which the Irish Legislature or Executive may be conceived as using its powers in a manner which Parliament did not intend—which Parliament would be disposed to condemn—and it is not possible to provide for every contingency. I would say to the opponents of the Bill that the mortar of distrust is a very bad cement to apply to a legislative struc-

ture such as we are now engaged in erecting, and we must ask the Committee to give to the Body to be constituted as the Irish Legislative Body credit for qualities of good sense and of justice also in the matters in which they will have to deal. I say, further, that with regard to the qualifications of Judges, the Amendment proposes to take away from the Irish Legislature a power which I do not think is taken away from the Legislature of any country I know of. Then what about the Stipendiaries and County Court Judges? Why is the power of determining the qualifications of the Stipendiaries and County Court Judges to be taken from the Legislative Body and vested in the Executive Body, which will be created out of and by that Legislative Body? The Amendment would even deprive the Irish Executive of any voice in formulating the qualifications of any one of its numerous Executive officers, important and unimportant. I submit that that is an Amendment which is not called for, and one which ought not to receive the support of the Committee.

*MR. MATTHEWS (Birmingham, E.): I am extremely glad to see the Attorney General, and welcome his advice and assistance; but he has contributed to the present discussion only the old argument which we have heard over and over again in his absence—that the Amendment expressed distrust of the Irish Legislature, and therefore ought to be rejected. That is an argument which would apply to the whole clause. We are discussing a clause which lays down restrictions on the Irish Legislature, and this Amendment does not imply more distrust of the Irish Legislature than any other sub-section of the clause. The Amendment raises the important question as to whether the holding of judicial office shall be governed by the Crown or by a popular Assembly. It is not necessary to imagine absurd actions on the part of the Irish Legislature in order to find arguments in favour of the Amendment. It is quite possible that the Irish Legislature will be actuated by common sense, but that does not render the Amendment unnecessary. One important part of our system is that high judicial offices are held by the confidence of the Crown, and not in obedience to any conditions that might be imposed by a popular Assembly,

and it is not expressing distrust of the Irish Legislature to suggest that it would be extremely likely in Ireland, where there has long been a want of sympathy between the population and the law, that some such qualification as popular election may be imposed by that Legislature before the appointment is made.

SIR C. RUSSELL: The appointments are made by the Crown.

*MR. MATTHEWS: If you allow the Legislature to determine the qualifications, the Legislature may lay down a rule that an appointment should be confined to persons who had received the approval of some popular election, or some popular sanction. The law, as it at present exists, and which we desire to preserve in Ireland, is that these appointments should be at the discretion of the Crown; that the appointments should come from above, and not from below; that the fitness of the persons for the appointments shall be determined by the Executive Government of the day, and controlled by the Irish Legislature only by that indirect uncontrol exercised by the House of Commons over appointments of the sort. For instance, it is not many years ago since one of the appointments of the right hon. Gentleman the Prime Minister to the Bench was the subject of debate in this House. In that indirect way it is quite right and proper that the Irish Legislature should have the same check over judicial appointments as this House has; that is to say, it may express its opinion of a bad appointment by a vote of censure; but for a popular Assembly to lay down the qualifications on which alone the Crown shall give these appointments is unknown in this country, and would operate prejudicially on the Bench. I do not assume that the Irish Legislature would do anything unreasonable, absurd, or unjust. But it is perfectly possible that what are called American sentiments may prevail, and it is perfectly possible that the differences of race or creed which unhappily prevail in Ireland may lead to some sort of qualification being laid down which would certainly not be in accordance with the ideas that have hitherto prevailed.

MR. DANE (Fermanagh, N.) said, the appointment of the Judges in Ireland was a matter of the greatest importance to the Loyalists. In the very next sub-

section of the clause provision was made that the lives, liberties, or properties of Her Majesty's subjects in Ireland were not to be interfered with or determined except by due process of law, and the persons who were to determine what was the due process of law were the Judges of the Superior Courts, the County Court Judges, and the Stipendiary Magistrates throughout the country. The Attorney General had said that the Imperial Government was to retain the appointments of these Judges; but he had read carefully through the Bill, and failed to find in it any provision of the kind. The occupants of the Treasury Bench should admit that this was a most important matter; and if they could not see their way to accept the present Amendment, perhaps they would introduce into the clause some words to guard against the danger that was apprehended. So far as he could see, the Legislature proposed to be set up in Ireland would be entirely free to appoint any persons they pleased as Judges. It would be quite competent for the Legislature to appoint the Judges of the Superior Courts and the County Courts for a certain time, and it would then depend on the manner in which those Judges bowed to popular clamour whether they would be re-appointed or not at the end of the term. That was a most depressing outlook for the Loyalists of Ireland; and, as one of their representatives, he appealed to the Government not to leave so great a power unchecked in the hands of the Irish Legislature.

MR. CLANCY (Dublin Co., N.) said, that if the Irish Legislature was not fit to determine the qualifications of persons who were to hold judicial offices or executive offices in Ireland, it was not fit to do anything at all. He believed that no Irish Parliament that might be elected would prefer a system of popular election to judicial appointments; but, at the same time, he would never surrender the right of the Irish Parliament to do anything it pleased in such matters. The Irish Parliament should be allowed free scope to do as it pleased in domestic matters of that kind; and if it were not allowed to do that, it had no right to live at all. He wondered how any Englishman who was enamoured of the Constitution of his country could lend the slightest support to the Amendment.

The hon. Gentleman who moved the Amendment had actually stated in the British House of Commons that he had put down a series of Amendments, the object of which was to prevent the encroachment of the Legislature on the power of the Executive. He thought the history of the British Constitution was the history of successful efforts on the part of the Legislature to control the Executive. If the Irish Parliament in the last century had had control of the Executive, probably this Home Rule Bill would never have been necessary, for the Irish Parliament would have continued in existence. But because the Irish Executive was independent of the Irish Parliament; because the Executive held Office, no matter what their majority in the Irish Parliament might be, was the chief reason, in his opinion, why the Irish Executive was able, with the assistance of the English Executive, to bribe the Irish Parliament to destroy itself. The hon. Gentleman referred to the tendency which was observable in the United States in the direction of encroaching upon Executive control. But the reason why the American Legislature had not so much control over the Executive was that when the United States Constitution was founded, it was founded upon the British Constitution as it existed in the time of George III., and not in its present form. Owing to external circumstances, the United States Constitution had continued in that condition; but he was prepared to believe that it was advancing in the British direction, and he was confident the more it advanced the more it would be subservient to liberty in the United States. What the Irish people wanted was that their Legislature should have control over the Executive; they would not submit to an Executive which was not controlled by the Legislature, and they would not accept Home Rule unless their Legislature had control over every Department of the Executive Government.

LORD R. CHURCHILL: I do not think the question raised is so much the right of the Legislature to interfere in judicial appointments as one would gather from the course which the debate has taken, nor do I think the sub-section would give any power to the Irish Legislature to lay down any special disability or any special disqualification in the case

of Judges to be appointed, for these matters, after all, are governed by very general principles; of course, the appointment of Judges will rest entirely with the Lord Lieutenant as part of the prerogatives which will devolve upon him; and the only doubt is as to the manner of the exercise of this prerogative. The Lord Lieutenant will have to do one of two things. He must, before appointing to the Judicial Bench, consult his Ministers, or, as is generally done in this country, and as has been the practice in Ireland, consult the Lord Chancellor of Ireland. There is another practice, which has been very common in Ireland under certain *régimes*—notably in that from 1874 to 1880—and that is to take the Lord Chancellor of England into consultation as well as the Lord Chancellor of Ireland. I suppose one of these methods will be selected for the guidance of the Lord Lieutenant. The Committee would like to know to what extent it will be in the power of the Lord Lieutenant to appoint to the Judicial Bench under the Bill, and by what counsel he will be guided in making his appointments. It is on this point that the merits of the Amendment turn, and I hope the Solicitor General or the Chief Secretary will throw some light upon it.

MR. SEXTON said, with regard to the provision in Clause 35, that during the first six years after the passing of the Act the Judges in Ireland should be appointed on a Warrant signed by Her Majesty's Government, he could only infer that what was meant was that after those six years the appointments would be made by the Lord Lieutenant, acting on the advice of the Irish Executive. He assumed that the term six years was intended to reserve a discretion to the Imperial Cabinet, and that after that period had elapsed the Lord Lieutenant would act on the advice of the domestic Cabinet. The noble Lord had discoursed upon the Amendment; but he had not addressed himself to its scope, which dealt not only with the qualification of judicial officials, but with the officers of the Executive in Ireland.

LORD R. CHURCHILL: I am afraid I did not take any notice of that; but it is obvious that the initiative of the prerogative must rest entirely with the Lord Lieutenant.

MR. SEXTON said, the Amendment did not say any "officer"—it said any "office," and he read that Amendment to include the whole sphere and round of administration. It was obvious that any person, be he a letter carrier or a police constable, could not be appointed under this Amendment. That might be a too sweeping reading of the Amendment, but it was just reading nevertheless. He would submit that this was an Amendment which breathed not only a spirit of distrust, but one of unqualified contempt, for the intentions of the Irish people. It was, moreover, illogical and nonsensical. No doubt the interest of the English people in the maintenance of peace, order, and good government in Ireland would be a deep and intelligent interest; but the Irish people would have a still deeper and a still more intelligent interest in seeing that these things were secured through the medium of their Legislature. He said, therefore, firstly, with regard to the Executive Offices, it was absurd to give the Irish Legislature power to make certain laws and then to deny the right to put forward a Bill defining the qualification of those who were to administer them. As to the Judicial Offices, it would be the cardinal interest of the people of Ireland to see that good laws were made, and that they were well administered. If this Amendment were carried, the Irish Legislature would be actually prevented from altering the qualifications of the Judges, even if English experience pointed to the desirability of making such alteration. He submitted broadly and generally upon the Amendment, with regard to both Executive and Judicial Offices, that if they trusted the people of Ireland—and the friends of the Bill did trust them—to make laws for the peace, order, and good government of Ireland, they must give them, according to Constitutional usage, the power to secure executively and judicially the good administration of these laws.

MR. W. E. GLADSTONE: It will have been noticed that the proposer of the Amendment, as has happened in so many other cases, entirely failed to notice the scope of his proposition. The Amendment will include all persons holding public office in Ireland, no matter how humble that office might be. It will include the postman and letter carrier as much as the Lord Chancellor or the Judge. It is not convenient to have an

Amendment of this enormous scope merely because in one-twentieth or in one-hundredth part of it there may be a certain morsel or residuum of sense. Under the Amendment the Irish Parliament could not order that no postman should be appointed under the age of 18 years. But, with regard to the appointment of the Judges, two misprints in the Bill had been pointed out. One is with respect to the Exchequer Judges, who are to be considered as mainly invested with the discharge of Imperial functions. They are to be taken out of the general scope of the Bill, and their salaries charged on the Consolidated Fund. The other is with respect to the period of six years. It is quite plain that the restriction is intended to refer only to the term of six years, and that after that the appointment of Judges will fall under general and permanent rules. The Government have declared their perfect willingness to introduce into the Bill a provision that the appointment of Judges shall remain with the Crown; and if that is done it will be totally impossible, as has been suggested by the right hon. and learned Gentleman opposite (Mr. Matthews), that the method of popular election should be resorted to. That would be in direct contradiction to the spirit and intention of the Act, and it would be totally impossible that any Viceroy worth his salt would sanction a proceeding of that kind. Beyond that, I hold that we should do no good by attempting to interfere in this matter; we should only show our teeth without biting, and only exhibit our distrust and jealousy of the Irish Legislature. The noble Lord has referred to the case of 1874, when he said that it was customary to consult the English Lord Chancellor as to the appointment of Irish Judges. The arrangement must have been resorted to at the time a distinguished Irish lawyer like Lord Cairns was Lord Chancellor, because it was found convenient to follow his advice in these matters; but the practice of consulting the English Judges as to the appointment of Irish Judges is quite unknown to Ministerial usage in this country.

LORD R. CHURCHILL: Is not the Prime Minister himself consulted in regard to such appointments?

MR. W. E. GLADSTONE: My varied experience enables me to say that the Prime Minister has no concern what-

ever in the appointment of Irish Judges. With regard to English Judges, the appointment of Puisne Judges rests, in a Ministerial sense, in the hands of the Lord Chancellor, and it is rarely that the Lord Chancellor consults the Prime Minister in regard to these appointments. All Judges other than Puisne Judges are appointed on the responsibility of the Cabinet; but, as far as I know, the advice of the Lord Chancellor is invariably taken. I assume that arrangement will be adopted in Ireland, and I say that to vest the appointments in the Crown would be an absolute guarantee against the adoption of any proceedings which would tend to defeat the intention of the Act.

*MR. GERALD BALFOUR said, that, speaking with all due submission, he differed from the view of the Prime Minister that the Amendment would have the wide scope which the right hon. Gentleman had suggested. However, he was quite willing to move his Amendment without the words "or any office of the Executive Government in Ireland." All the same, it would, he felt, be a very serious matter if the Irish Legislature should have the power of determining the qualifications of those who were to form the Cabinet—if, for instance, it should be allowed to pass a law that no one should sit in that Cabinet who had not been domiciled in Ireland for a given number of years, because such a step would materially diminish the power of the Crown. The hon. and learned Member for the Northern Division of Dublin County had expressed his surprise that any English Member should desire to prevent the Irish Legislative Body from encroaching on the powers of the Executive, and he had declared that the history of England was a history of encroachment of the Legislation on the Executive. But that was in the past, and the process had gone far enough already. The United States Constitution carefully provided against any encroachment by the Legislature on the Executive; and if such a provision were necessary in America, it was still more requisite in the case of a country like Ireland, which was so deeply divided against itself. It was obvious that in Ireland there would be a constant tendency towards an increase of the powers of the Legislature. They had on this, as on so many other Amendments,

been met with the argument that they should not distrust the Irish people and the proposed Legislative Body. While he was content to give that Body credit for possessing common sense, he thought they were bound to remember what had occurred in certain of the States of America. In the valuable work of the Chancellor of the Duchy of Lancaster on the American Constitution, they were told that the provisions as to the restrictive powers of the Legislature had grown more minute of late years as abuses appeared to have become more frequent. Let them remark that admission—that American Legislatures were capable of abusing their powers, and let them ask themselves why it was to be assumed that the Irish Legislature would not abuse its powers.

Amendment amended, by leaving out the words "or of any office of the Executive Government in Ireland."

Question put, "That the words 'determining the qualifications necessary by the holding of any judicial office, or,' be there inserted."

The Committee divided:—Ayes 231; Noes 266.—(Division List, No. 141.)

*MR. GERALD BALFOUR moved the insertion of the following subsection:—

"Diminishing the salary of the holder of any office under the Crown in Ireland during his continuance of office, or altering his right to pension without his consent."

The general arguments in favour of this proposal were, said the hon. Member, the same as those he brought forward in support of the last Amendment. It was designed to protect the Irish Executive if the occasion ever arose, and there should be a struggle between it and the legislative branch of the Government. The ultimate power rested with those who controlled the purse, and he thought it would be undesirable that the Legislative Body should have the power of diminishing the salaries of the servants of the Crown, and should be able to hold that power *in terrorem* over their heads. He quite admitted, in moving an Amendment of this sort, he had in his mind a different relation between the Executive and Irish Legislative Body to that which was contemplated by the Bill. He hoped, at a later stage, to bring forward an Amendment securing that the Executive should have greater independence of the Irish

Legislature than this Bill gave it, and it was with a view to that further change in the provisions of the Bill that he now begged to move this Amendment.

Amendment proposed,

In page 2, line 29, after the word "or," to insert, as a new subsection, the words—“(5.) Diminishing the salary of the holder of any office under the Crown in Ireland during his continuance in such office, or altering his right to pension without his consent, or.”—(*Mr. Gerald Balfour.*)

Question proposed, “That those words be there inserted.”

MR. J. MORLEY: The hon. Member who moved this Amendment is of course aware that so far as, perhaps, the most important of all the classes of officers of the Government are concerned, —namely, the Judges, we have provided in the Bill by the 26th clause—

MR. GERALD BALFOUR: I had forgotten to allude to that. The object of the Amendment is to extend that provision to other officers of the Crown.

MR. J. MORLEY: We quite admit that, so far as the Judges are concerned, it might be thought that the possibility of reducing their salaries might be held over them *in terrorem*. Without sharing that apprehension, we have made provision against it by specifically forbidding the Irish Legislature from diminishing a Judge's salary during his continuance in office, or altering his right to pension without his consent. The hon. Member proposes to extend that limitation to all holders of Executive offices. Can it be conceived that it would be possible to carry on the Executive Government in either Ireland or any other country if the Legislature were prohibited from fixing the amount of salaries. Take your own case. Can any Member of this House contemplate the possibility of this House being debarred from the exercise of any power of reducing the salaries of all holders of Executive office, from the highest down to the lowest, or of at all regulating their pensions? Surely it is conceivable, if an Irish Legislature ought to be constituted at all, for Ireland to pass laws for the peace, order, and good government of Ireland, that they would be fit to exercise the power of fixing the salaries of their own Executive officers.

MR. J. CHAMBERLAIN (Birmingham, W.): I think the Chief Secretary has given as an illustration a case which

the Committee ought to consider. He asks how should we like it in our own case? He talks about fixing the salaries. Of course, the Amendment does not, in the slightest degree, touch any office or the new holders of old offices. It proposes merely to respect what I would call the vested rights of holders of office. It is only those who are actually holding office at the time of the passing of the Bill, or who have contracted with the Government for a particular salary, who are not to have that salary diminished. Following out the illustration of my right hon. Friend, I would ask him can he point to a single case in which this Parliament has ever made a reduction of salary?

COLONEL NOLAN (Galway, N.): We often move it.

MR. J. CHAMBERLAIN: That is a different thing altogether. The Motion is made in every case I have known, because it is the formal method of raising the subject which is connected with the office attached. In no case I know of has there ever been made by Parliament a reduction in a salary previously agreed to by Parliament.

MR. J. MORLEY: I should like to understand clearly from the Mover of the Amendment whether he means his Amendment to affect only existing holders of office, or whether he means to make it affect the general system of Irish government under the new Parliament?

MR. GERALD BALFOUR: The object of my Amendment is this. In the case of a person who is already a holder of office, I withdraw from the cognisance of the Irish Legislature the diminution of his salary while he is in office and during his continuance in office.

MR. T. M. HEALY (Louth, N.): The Bill does that.

MR. GERALD BALFOUR: In the case of the Judges, as the right hon. Gentleman has said, this is already provided for, and all the Amendment proposes to do is to extend to the holders of other offices of the Crown that which the Bill provides for in the case of the Judges.

MR. J. MORLEY: The hon. Member must have overlooked the 28th clause, which concerns all other officers of the Crown.

MR. GERALD BALFOUR: The right hon. Gentleman has mistaken me. I do not refer merely to those who at this present time hold office—I refer to future holders of office also; and what the

Amendment provides is, that a person having entered into office at a given salary, that salary is not to be diminished by the action of the Irish Legislature during his continuance of office.

MR. J. CHAMBERLAIN: May I put the case in this way? Suppose at the present time a holder of an office has a salary of £500 a year. It would prevent the Irish Parliament from reducing that salary during the continuance in office of the present holder. But when the question arose who was to take his place, the Irish Parliament would be perfectly entitled to fix the salary of the office for the new holder. Let us suppose they did so, and fixed it at £300, then the Amendment would come into force again, and prevent them reducing that £300 as long as the holder held the office. The argument in favour of it is precisely the same as for the proposition of the Government in regard to the Judges. The provision of the Government in reference to the Judges is put in in order to secure the impartiality of the office and its superiority from Party considerations. If there is one thing which distinguishes the Imperial Civil Service from all other Civil Services in the world it is the fact that our Civil Service is above and beyond Party. That has been secured by the fact that Party feeling in this country is powerless to penalise the holder of any office on account of political opinions. In other countries where that is not the case disastrous results have followed, and I would submit to the Government that the very same consideration which led them to secure the impartiality of the Judicial Bench should also lead them, in the interests of the new Legislature they are setting up, to secure the absolute impartiality of the Irish Civil servants.

MR. SEXTON did not think the right hon. Gentleman correctly apprehended the reason why the salary of a Judge was not to be diminished. It was not to secure that the Judge would be impartial, because the Judge was practically sure his salary would not be diminished, and he did not require any safeguard to make him impartial between suitors. If one of the parties to a suit before a Judge could affect his salary, then that might affect his impartiality; but that was not before them. The real reason why a Judge's salary could not be reduced was because

in British history the people had a bitter experience of the dependence of the Judges on the Crown, and the desire was to make the Judge independent with regard to the Crown and the Executive power. It appeared to him that there were adequate provisions in the Bill for the purpose of meeting the object of the Amendment, of which he thought the right hon. Gentleman misunderstood the scope. He rather thought that the right hon. Gentleman imagined it was only intended to safeguard the interests of existing holders of office; but the proposer of the Amendment went much further. The Bill, as drafted, provided amply for all existing office holders. The salaries of the Judges could not be diminished; and, in respect to Civil servants, Clause 27 provided that all persons whose salaries were charged to the Consolidated Fund should continue to receive the same salaries as heretofore. In Clause 28 it was provided that existing permanent Civil servants, whose salaries were not chargeable to the Consolidated Fund, should continue to receive the same salary. He did not think there ever was any legislative enactment in which there were such elaborate provisions made for the preservation of the salaries of all grades of Civil servants. But now they came to this: that after all the existing tenants of office had departed, and the new tenants had come in, it was proposed that once any man had enjoyed a certain salary, never hereafter should that salary be reduced. He would say that that proposal was fantastic. They were leaving the region of comedy in which they had stayed so long, and were passing into the region of farce. Suppose there was a shrinkage of revenue in Ireland from a succession of bad years, and suppose that the funds at the disposal of the Irish Government suffered extensive diminution, was it to be said that a reduction of salaries ought never to take place? He did not think it likely that after a gentleman once received a certain salary that salary would be reduced; but he could not accept a restriction which would be absurd, and would not be countenanced if applied to any other Legislature, especially when the rights of all persons now in office were absolutely safeguarded.

MR. GIBSON BOWLES pointed to the fact that on the Paper there was

a proposed new clause, to be inserted after Clause 28, which read as follows :—

“When any public officers not in the service of the Crown are entitled to salaries, gratuities, and pensions, the provisions of this Act shall apply, as in the case of Civil servants.”

It seemed to him that as the matter stood the Judges, the Civil servants, and all other public officers not being Civil servants were also provided for against disturbance in their salaries and pensions ; and if he was right in his construction of the proposed new clause, it would amount to very much the same thing as the Amendment.

MR. J. MORLEY remarked that there were certain officials in Ireland who, while they were in the service of the Government, were not Civil servants, properly so-called, and that clause in the Schedule had been introduced to meet their case.

LORD R. CHURCHILL : Does that apply to the Resident Magistrates ?

MR. J. MORLEY : They are dealt with by Clause 27.

MR. A. J. BALFOUR : I do not propose to follow the hon. Member for North Kerry in his commentary on Clauses 26, 27, and 28. He has laid down the broad proposition that the safeguards in the Bill as to the existing Civil servants are adequate. I do not take that view ; I think they are inadequate ; but I shall reserve my arguments until we come to the clauses relevant to that particular issue. At present we are not discussing in the least the position of the existing Civil servants.

MR. W. E. GLADSTONE : That is exactly what the right hon. Gentleman the Member for West Birmingham did discuss.

MR. A. J. BALFOUR : I listened to the speech of the right hon. Gentleman, and I certainly did not gather from him a single word indicating that in his view it was necessary that the interest of the existing holders of office should be safeguarded by the Amendment of my hon. Friend. As regards the Judges, the safeguards may be ample and adequate ; as regards the existing holders of office in the Civil Service, they are neither adequate nor intended to be adequate. Let the Committee understand that this Amendment does touch the existing holders of office, but does not touch the salaries to be fixed hereafter in the event of vacancies

in the existing offices or the salaries of new offices to be created. All those things are left absolutely to the Irish Legislature to determine. The only question before us is whether we shall or shall not give to the Irish Legislature power to put the screw upon officers appointed by the Crown through the operation of reducing their salaries ? I think that on general grounds, whatever may be the constitution of the Irish Legislature, that would be inexpedient. But it would be more inexpedient if my hon. Friend's view of the relations which should exist between the Executive and Legislature is carried out. He has put down Amendments to assimilate the new Constitution of Ireland to that which is already in existence in America, under which there is a very great independence on the part of the Executive from the Legislature. As, therefore, quite apart from the expediency of withdrawing from the Irish Legislature the power of manipulating the salaries under our system, my hon. Friend wishes to alter that system, it becomes doubly necessary, if you have an Executive depending on the Crown and not on the Irish Legislature, to secure that the salaries of that Executive shall not suffer diminution at the wild and wayward will of an Irish Parliament. These are our arguments. They are not worthy of the description given them by the hon. Member for North Kerry ; they are not wild and illusory ; I think them rational, worthy of consideration, and worthy of adoption by the Committee.

MR. J. MORLEY : I will not enter on a discussion as to the best system of government for Ireland. It may possibly be that the American system of independence on the part of the Executive of the Legislature is the best. But it is not the foundation on which this Bill is laid. These are not the principles on which the English Constitution and the English Parliamentary system are conducted, and I think the hon. Member is making a mistake in endeavouring to graft them upon this Bill, a course which would be sane enough if Parliament accepted his general conception of the best government for Ireland. What has often happened in this House ? The right hon. Gentleman the Member for West Birmingham said the salaries of officers are never reduced. There is a Motion constantly made—it was frequently made in the

case of the Leader of the Opposition when he was Chief Secretary for Ireland—for the reduction of salary. It is the form in which holders of office are criticised, and why, I ask, should the Irish Legislature be debarred from expressing its opinion of the conduct of an official in that way? Take a more practical case. It is quite possible to conceive circumstances which might withdraw all duties from a holder of an office. You may have a legislative change which would withdraw from the holder of an office the work he was appointed to perform. Does the Mover of the Amendment think that the Irish Parliament is not to have the power to alter the terms of office under these circumstances? I do not think I need labour the argument further.

Question put.

The Committee divided:—Ayes 239; Noes 281.—(Division List, No. 142.)

*MR. DARLING (Deptford) rose to move, as an Amendment—

In page 2, line 29, after sub-section (4), insert "(5) Subjecting any person to the penalties or disabilities of attainder, nor shall their powers extend to the bringing in or considering of any bill of attainder."

He thought that no one who attended to the discussions in the country which preceded the bringing in of this Bill—discussions which went to the point that the Irish Parliament was to be gifted with the power of managing the local affairs of Ireland—could have supposed that such a Parliament was to have the high powers and privileges of the Imperial Parliament of bringing in bills of attainder, and to subjecting Her Majesty's subjects to the penalties that such bills of attainder involved. Bills of attainder had been generally used in this country to strike at high crimes or misdemeanours or high crimes and misdemeanours in the estimation of those who had not committed them themselves. It might, therefore, well be reserved to this Parliament—in which, after all, Ireland was to be very generously represented—if the ordinary law was to be set aside and exceptional measures were to be resorted to, to have recourse to those exceptional measures. He understood from his experience in the House that the Irish Members objected to what they called exceptional legislation, and especially to exceptional legislation which

dealt with the punishment of crime; and therefore they, above all, would hardly desire to have the Irish Parliament possessed of powers to punish crime beyond the powers vested in the ordinary Courts of Law, and it was such power that the power to pass a bill of attainder involved. But there was another reason for adopting the Amendment. Bills of attainder have usually been introduced in the past to punish the crime known as high treason, and what was high treason and what was not was a matter which had exercised the minds of many lawyers and many persons who had not the disadvantage of knowing any law at all. If there was one thing on which the English and the Irish people absolutely and entirely differed it was the question what was treason and what was not treason. He need not go further than the words of the Prime Minister to prove that. The right hon. Gentleman had described the Party, to whose demands he yielded in introducing this Bill, as steeped in treason to the lips.

MR. W. E. GLADSTONE: Considering that that has been contradicted at least 20 times, I am surprised to hear it from the hon. and learned Member.

*MR. DARLING said, he had, it seemed, attributed the expression to the wrong Member of the Liberal Government. It was used by an ex-Attorney General for Ireland who had even a wider experience than the right hon. Gentleman of the attributes of the Irish Party. But the Irish Party did not accept that view. Even the present Chancellor of the Exchequer thought they were steeped in something different—

THE CHAIRMAN: Order, order! I think the observations of the hon. and learned Member have little to do with the Amendment on the Paper.

*MR. DARLING said, he was arguing that if they gave to a subordinate Parliament the power of punishing on a charge of treason, it was material to consider what would be the view of treason held by that Legislature, and whether it was the same view as that held by right hon. Gentlemen on the Treasury Bench. If the Irish Parliament had the power to introduce bills of attainder their bills of attainder would be to punish what the Imperial Parliament would consider loyalty, just as the bills of attainder of the Imperial Parliament would be to punish what the Irish Parliament would

consider loyalty. Whether that was so or not there were other reasons for not giving the power of introducing and passing bills of attainder to the Irish subordinate Legislature. He would read a passage from Sir Erskine May on the subject—

MR. T. M. HEALY (Louth, N.): I rise to Order. I wish to ask whether Clause 2, Sub-section 8, does not provide that the Irish Parliament shall make no laws in reference to treason, and whether the Amendment is not, therefore, out of Order?

THE CHAIRMAN: The hon. Member is not out of Order.

*MR. DARLING said, that a bill of attainder was a purely legislative matter. It could be introduced to punish treason or anything else; and if the hon. Member had waited until he had heard the passage read, he would not have made the objection, as the passage would have enlightened him. Sir T. Erskine May wrote—

"The proceedings of Parliament in passing bills of attainder, and of pains and penalties, do not vary from those adopted in regard to other bills. They may be introduced into either House, but ordinarily commence in the House of Lords; they pass through the same stages; and when agreed to by both Houses they receive the Royal Assent in the usual form. But the parties who are subjected to these proceedings are admitted to defend themselves by counsel and witnesses before both Houses; and the solemnity of the proceedings would cause measures to be taken to enforce the attendance of Members upon their service in Parliament. In evil times this summary power of Parliament to punish criminals by Statute has been perverted and abused; and in the best of times it should be regarded with the severest jealousy."

They were at present living in the best of times, in the estimation of the Government. The right hon. Gentleman was in Office, and the times could not be mended; but even in such times the power of punishing any kind of crime by means of legislation ought, according to Sir Erskine May, to be watched with the greatest jealousy. He therefore asked the Prime Minister either to admit that we were not living in the best of times or else to exercise the greatest jealousy before he conferred this power upon the Irish Legislature, enabling the Irish Legislature to declare that to be a crime which in reality was no crime at all. He appealed to Scotch Members to remember the times when

Mr. Darling

"To be a Scot was treason and, to side with Wallace, crime."

[*Cries of "Divide!"*]

An hon. MEMBER: We are tired of this.

*MR. DARLING said, he rejoiced to find that his remarks were so distasteful to the hon. Member, and asked what case had been made out for giving a subordinate Legislature a power which, although it had not lately been exercised by this Parliament, had been perverted and abused? Did the Government suppose that the Irish Parliament would be a better Parliament than our own? They had it upon the authority of the Solicitor General that they could not take away the authority of this Parliament even if they tried, but they could be careful how they granted powers which even this Parliament had abused to another Parliament that they were about to set up. They were frequently told that this Bill did not repeal the Act of Union; but Sir Erskine May said—

"By the 4th Article of the Act of Union with Ireland it was enacted that 'the (representative) Lords Spiritual and Temporal respectively, on the part of Ireland, shall have the same rights in respect of their sitting and voting upon the trial of Peers as the Lords Spiritual and Temporal respectively on the part of Great Britain'; and that all the Peers of Ireland shall be sued and tried as Peers, but shall not have the right of sitting on the trial of Peers."

Bills of attainder had been very frequently preceded by articles of impeachment exhibited in this House, and upon the exhibition of such articles the representative Irish Peers had the right to sit and vote, and all the Irish Peers, whether representative or not, had the right to be represented and to be tried by the House of Lords. [*Cries of "Agreed!" "Divide! divide!" and "Question!"*] If they did not take away from the Irish Parliament the right to proceed by Bill of attainder, they might go behind that Article of the Act of Union, because they might refuse to proceed by articles of impeachment, but might pass a bill of attainder, and the Irish Peers would then be deprived of the protection given to them by the Act of Union. It might be said that this Irish Parliament, if granted, would not have the right of impeachment. But who could show that? The Imperial Parliament, though it clearly had a right of impeachment, did not possess it by virtue of any Statute, but simply because it had assumed the right;

and why could not the Irish Parliament, in the fulness of its strength, do what this Parliament had done? There was no provision in the Bill to prevent them from exhibiting articles of impeachment. There was nothing in the Bill to say that impeachment should be forbidden to them as a Legislature, and that they should, by exhibiting articles of impeachment, be able to interfere with rights which were supposed to be safeguarded by the Act of Union was a thing not to be tolerated. [*Cries of "Go on!"*] He intended to "go on," but he might remark that things had not been done so hastily a few days since in Committee Room No. 15. It was not provided for in the Bill that the Irish Legislature should not exhibit articles of impeachment; therefore, the Committee was bound to see that this power of attainder was not given to the Irish Parliament. He did not know whether it was the view of the Government that articles of impeachment were within the power of the Irish Parliament or not. If they were not there was no provision in the Bill that they should not have power to consider Bills of attainder, which were on precisely the same footing as other legislation. If it was not intended that they should have the power of impeachment, they ought to provide—

MR. T. M. HEALY: I rise to Order. I wish to ask whether there is not a Rule in this House against tedious repetition?

MR. BARTLEY: I, Sir, would ask whether there is not a Rule against continual interruption when an hon. Member is speaking?

THE CHAIRMAN: Order, order! Mr. Darling.

*MR. DARLING said, he was content to observe how awkward this question had become. He thought the Government would see that it was a serious question which deserved their attention. He believed they did not desire—he was sure they did not desire—that the Irish Legislature should have power to do what might be unjust, and he could not think that they had really considered the points he had referred to which were contained in the Act of Union, a violation of which would be an infringement of the liberties secured to Irishmen of a certain class. He would remind the Committee that every crime could be proceeded against under a bill of

attainder—that it would not be confined to the more dignified forms of crime, and that, therefore, it was not merely a question of protecting the class protected by the Act of Union, but a question of protecting every one over whom the Irish Parliament might have power. As the Government had not included in their Bill a power of exhibiting articles of impeachment, they ought to prohibit that Parliament from doing what was the same thing—that was to say, proceeding against any one by Bill of attainder. They should leave Irishmen in Ireland to be dealt with by the ordinary Courts administering the ordinary law of the land.

Amendment proposed,

In page 2, line 29, after sub-section (4), to insert as a new sub-section, the words "(5) Subjecting any person to the penalties or disabilities of attainder, nor shall their powers extend to the bringing in or considering of any bill of attainder."—(*Mr. Darling.*)

Question proposed, "That those words be there inserted."

*SIR C. RUSSELL: I wonder if there is a single Member of the Committee who takes the Amendment or the speech of the hon. and learned Member seriously. I wonder if there is anyone in the House who thinks that the Amendment is aimed at any real, substantial, or conceivably probable, or even possible, grievance.

MR. DUNBAR BARTON: Yes.

SIR C. RUSSELL: Do I understand the hon. Member opposite to assent to that view?

MR. DUNBAR BARTON: Certainly.

*SIR C. RUSSELL: The hon. and learned Member has said there is no provision in the Bill on the subject of articles of impeachment. No; and there are hundreds of other subjects on which there are no provisions in the Bill. There are no provisions preventing the Irish Legislative Body from reviving the writ *de hæretico comburendo*, or from enacting laws for burning witches, or against introducing the ancient form of wager of battle, and a great many other things of a like kind. But I really do not desire to give the Amendment an importance which I do not think belongs to it. There is a provision in the Bill which is adequate to meet the objection raised by the Amendment, and that is Sub-section 5, which provides that nobody shall be deprived of life, liberty, or

property without due process of law. [*Laughter.*] Hon. Members opposite need not deride, for I am about to argue what the effect of those words will be. These are words to be found in the Fifth Amendment of the American Constitution; they are words not in the original Constitution. The words relating to attainder and bills of pains and penalties are in the original American Constitution; but the words "due process of law" are not. If the latter words "due process of law" had been there the others would not have been required. How is the point to be established? By judicial interpretation of the Supreme Courts of the country which has to deal with the matter. I will cite one authority. A Bill was passed in the United States, which became an Act of the Legislature, dealing with the forfeiting of property of certain persons. It was considered unconstitutional, and this was the decision of the Supreme Court of New York—

"To give the clause any value, it must be understood to mean that no person shall be deprived by any form of legislation or governmental action of either life, liberty, or property except as a consequence of some judicial proceeding properly and legally conducted. It follows that the law which, by its own inherent force, extinguishes rights of property or compels their extinction without any legal process whatever comes directly in conflict with Constitutional Law,"

and the act in question was, therefore, held to be void. Though that decision deals with property, I need not point out that the language is equally appropriate in dealing with questions of liberty.

SIR H. JAMES: I welcome the return of my hon. and learned Friend from a light-hearted country. It may be that, not yet having enjoyed repose, the influence of his residence in that country is still upon him; and he, therefore, does not think this is a serious Amendment. I can assure him that a large section of the Committee consider this to be a very serious matter. My hon. and learned Friend's view is that Ireland ought not to have the power of dealing with bills of attainder.

SIR C. RUSSELL: I did not say so. But I said that under Sub-section 5 there could be no such power.

SIR H. JAMES: Then what a strange state of mind the Government must be in. They have inserted words in the Bill to prevent the Irish Legislature from dealing with bills of attainder—so my

Sir C. Russell

hon. and learned Friend argues—and I presume they were intended to have that effect—but they refuse to assent to the Amendment which would render the fact clear. The argument of my hon. and learned Friend is that the Amendment is unnecessary, because it is covered by the words he has read. I must confess that I had not in my mind until my hon. and learned Friend spoke that judgment of the Supreme Court of New York. If, however, the judgment of the New York Court is held to be law here—and it is not at all necessary that it should be—it is just as well that the words "due process of law" should be well defined. The words in Sub-section 5 have puzzled many minds as to what they mean. They have puzzled Judges in the United States, and they would puzzle Judges here. In order, however, to secure that the object of the Government will be carried out, and that the Irish Legislature shall not entertain bills of attainder, there should be no objection to giving a definition of the words "due process of law" in the Definition Clause. If that can be done it will save difficulty hereafter.

MR. SEXTON: A definition for legal purposes in an enactment is never a very easy matter; and the case here involved, I venture to say, is one of a very delicate kind. Under the cover of general words you may go far beyond the intentions or wishes of those who contemplate the restriction, while you may also introduce something which is entirely prejudicial to the Irish Legislature. I would suggest that the right hon. and learned Gentleman should draw up the definition himself, and bring it forward at the proper time.

SIR H. JAMES: Would the Government accept it?

MR. SEXTON: It is evidently impossible now to deal with the scope of the words "due process of law." The Attorney General has read a judgment of the Supreme Court of New York, which seems to me to deserve close attention. The Amendment I regard as a bad joke and a very considerable affront. ["Oh!"] Yes; it is one thing to state in the Bill the general principle as to not depriving anyone of life, liberty, or property without due process of law, and another thing to insert words which suggest that the Irish Legislature might resort to a mediæval

device for punishing an opponent—for attainder, I believe, has not been used in England since 1697. Such an imputation, I say, is offensive. The only gentleman who would be likely to be in any danger, even if this power existed, is the hon. Member for Mid Armagh (Mr. Barton), as he is the only person who is going into the streets to fight against the Irish Government. But I do not think that even that danger is imminent. It is extremely improbable that the Irish Legislature would ever think of resorting to such a process. Even if it did the Committee should not put the enactment in the Bill, seeing that there is already a means of dealing with such cases—namely, the veto. [*Cries of "Divide!"*]

MR. W. E. GLADSTONE: It would not be respectful to my right hon. and learned Friend if I did not give him an answer. If my right hon. Friend would himself furnish a definition the Government will be glad to consider it; but in undertaking to define a legal phrase you are liable to exclude from the scope of the phrase as much as you include. The American Judge quoted by my hon. and learned Friend, I observe, carefully avoided defining "due process of law." He merely gave his opinion that something was included in the words, but he avoided the danger of giving an account of all the things that are included. The Government, therefore, think that it is more safe to leave the matter to judicial interpretation. The process must be a legal one, and not a legislative one with safeguards.

SIR H. JAMES: Is there not a definition known to those who have to draw Acts of Parliament as to what "process of law" shall be taken to include, and can it not be provided that it shall include this question of attainder?

MR. A. J. BALFOUR: The Committee have been placed by the action of the Government in a very curious position. It is admitted on all hands that the Irish Legislature should not be allowed to exercise the power of attainder. It is said that it is very improbable—and I will go the length of saying that I believe it to be extremely improbable—that they will use it, but still it is not impossible: and I and my hon. Friends desire to exclude the power from the Irish Legislature. Then, how is it to be done? Two methods towards this end have been suggested; one is the Amendment, and

the other is the method of the Attorney General, who relies on the words "due process of law." The only objection raised by the hon. Member for Kerry to the Amendment is that on the face of it it is an insult to the Irish people to put the matter so plainly. But plain language should never be an insult to anyone. Then there is the remedy of the hon. and learned Gentleman (Sir C. Russell), who relies upon words taken from the American Constitution, and which, by common consent, have puzzled every lawyer who has had to deal with them. Those words have been submitted to no English lawyer, and the hon. and learned Gentleman could cite no case in which the Supreme Court has acted on them. Really we are asked to accept words which the Prime Minister says he will not commit himself to a definition of, which have never been dealt with by the Supreme Courts, either here or in America, and which we say are obviously incomplete. Between the two alternatives of having a clear and complete method of excluding from the purview of the Irish Legislature a proceeding which we all agree they ought not to be allowed to take and of introducing words which have not been rendered clear by either English or American Courts there is a broad line of divergence, and I have no hesitation in electing to support the Amendment.

MR. J. MORLEY rose in his place, and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The Committee divided:—Ayes 280; Noes 241.—(Division List, No. 143.)

Question, "That those words be there inserted," put accordingly, and negatived.

It being half-past Five of the clock, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again To-morrow.

JURORS' REMUNERATION BILL.

(No. 182.)

COMMITTEE. [*Progress, 28th March.*]

Order for Committee read.

MR. G. W. ELLIOT (York, N.R., Richmond): Now, Sir,

Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair."

MR. GIBSON BOWLES (Lynn Regis) : I object.

MR. ELLIOT appealed to the hon. Member not to block the Bill.

MR. GIBSON BOWLES : I protest against that imputation. I am not here to block Bills ; I am here to see that Bills are discussed before they are passed. This is an extremely bad Bill, and I object to it.

MR. FIELD (Dublin, St. Patrick's) : May I ask whether the hon. Member in charge of the Bill will extend its provisions to Ireland ?

MR. ELLIOT : Certainly.

MR. W. ALLAN (Gateshead) : I would appeal to the hon. Member opposite to withdraw his objection.

MR. GIBSON BOWLES : The Bill introduces an entirely new principle into the administration of English law—a principle which, in my opinion, is most mischievous—and I must object.

Committee deferred till Wednesday next.

OUTDOOR RELIEF (FRIENDLY SOCIETIES) BILL.—(No. 184.)

COMMITTEE. [*Progress, 3rd May.*]

Bill considered in Committee.

(In the Committee.)

Clause 1.

An hon. MEMBER moved to report Progress.

Motion made, and Question proposed,
"That the Chairman do report Progress, and ask leave to sit again."

MR. STRACHEY (Somerset, S.) : May I appeal to the hon. Member to withdraw his Motion ? This is a very simple Bill of a perfectly permissive character, and I can assure the hon. Gentleman that many county Members on this side support the Bill.

MR. BARTLEY (Islington, N.) : The Government have put down some Amendments to this Bill. They do not take the trouble to explain them, and yet they expect that the Bill should go through.

SIR H. MAXWELL (Wigton) : May I ask what is the attitude of the Government with regard to the Bill ? They have appointed a Royal Commission on the subject it deals with, but they are absolutely silent with regard to the Bill itself.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. H. H. FOWLER, Wolverhampton, E.) : We are quite prepared to discuss the Bill ; but, as an hon. Member had moved to report Progress, we did not wish to occupy time unnecessarily. We consider that one of the main features of this Bill, with reference to the granting of outdoor relief totally irrespective of the amount received from Friendly Societies, is before the Aged Poor Commission, and we think it desirable to await the Report of that Commission before this question is settled. We have, therefore, put down Amendments which would prevent the Bill infringing on the scope of the Committee's Inquiry, and would safeguard the position which the hon. Baronet (Sir H. Maxwell) takes up. If my hon. Friend declines to accept our Amendments the attitude of the Government will be one of opposition to the Bill.

SIR M. HICKS BEACH (Bristol, W.) : The right hon. Gentleman has said enough to show that legislation at such a time as this, and on such a subject, is utterly wrong.

MR. S. WOODS (Lancashire, Ince) : I was going to make an appeal to the right hon. Gentleman on behalf of the working classes of the country—

MR. GIBSON BOWLES : Mr. Mellor, is this in Order ?

THE CHAIRMAN : No ; Progress having been moved, discussion must cease.

Motion agreed to.

Committee report Progress ; to sit again upon Friday.

VOLUNTARY CONVEYANCES BILL

[*Lords*].—(No. 355.)

As amended, considered ; read the third time, and passed, with Amendments.

MARRIED WOMEN'S PROPERTY ACT (1882) AMENDMENT BILL.—(No. 260.)

Bill considered in Committee.

(In the Committee.)

Clause 1.

Committee report Progress ; to sit again upon Wednesday next.

It being Six of the clock, Mr. Speaker adjourned the House without Question put.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, 15th June 1893.

EARL OF DROGHEDA.

Report made from the Lord Chancellor, that the right of Ponsonby William Moore Earl of Drogheda to vote at the elections of Representative Peers for Ireland has been established to the satisfaction of the Lord Chancellor; read, and ordered to lie on the Table.

NORTH SEA FISHERIES BILL.—(No. 110.)

THIRD READING.

Order of the Day for the Third Reading, read.

EARL WEMYSS said, when this Bill was last before the House he called attention to Clause 3, Section (a), under which for theft an alternative punishment of a fine was provided. That appeared to him to be a novelty worthy of their Lordships' consideration before they passed the Bill. Then by Section (b), of the same clause if, instead of exchanging the stolen property for spirits, a man purchased the liquors for money, he was again liable to a fine not exceeding £10, the fine under the preceding section being up to £50, as an alternative to three months' imprisonment. Clause (b), was no less a novelty in legislation than the other, for it made the purchase of a glass of spirits a crime. It had been his intention to give notice of Amendment upon each of those points; but on going to the Office yesterday, he found that the very wording of the clauses to which he objected already existed in the Act of 1888, and, under those circumstances, he thought it would be useless and Quixotic for him to bring forward his Amendments, although he still maintained his objection to the clause and to the argument of exceptional legislation by which the Bill had been supported. If there was one argument worse than another it was that legislation should be passed on the ground that the question dealt with was exceptional. The result of the exceptional Irish land legislation during recent years had proved that, for it now made its way to Scotland and

Wales, and had now even found a footing in the Metropolis, as one of the West End Vestries was not only asking for the establishment of a Court to fix the rent of business premises in London, but suggesting that all dealings in houses and land should be forbidden by law. He, therefore, could not accept the fact of legislation being exceptional as a sound principle, though he could not further resist this Bill on the ground he had mentioned.

Bill read 3^a accordingly, and passed.

FRANCE AND SIAM.

QUESTIONS. OBSERVATIONS.

LORD LAMINGTON asked the Secretary of State for Foreign Affairs whether Stung-Treng and Khong, which had been recently occupied by the French, did not lie to the north of the frontier between Siam and Cambodia, as shown on the French official map of 1881, revised by the French War Office in 1886; whether the Siamese had not been in effective occupation of these places, by right of conquest, for nearly 100 years; and, if so, whether any reasons had been vouchsafed for this violation of the territory of Siam? He said that, although he had drawn attention to this matter on a previous occasion, the recent events which had taken place on the eastern boundary of Siam justified him in doing so again. The French newspapers had been attributing to the English Government the underhand policy of inciting Siam against the French. It went without saying that the noble Lord opposite (the Earl of Rosebery) would not engage in so mean a policy, and, moreover, he could not imagine anything more detrimental to the interests of this country than any friction between France and Siam. But the French Press were perfectly rabid in the matter, and it had been stated that British Peers were in the habit of wandering about Siam as the Emissaries of the British Government, and that he himself had travelled there disguised in a parasol, and greater importance had been attached to his doings by his being described as a Member of Mr. Gladstone's Cabinet. He had received nothing but courtesy and kindness from the French, and was only desirous of seeing any ground for future misunder-

standing removed. There was plenty of room in Indo-China for both countries to develop the resources of their territories with no other rivalry than that of friendly competition. All he was anxious to see was that all causes of possible complications in the future should be removed. There was no real reason for any particular excitement in the French Press. Nothing had happened that had not been foreseen, and he himself in that House had prophesied what would take place, which was not a difficult matter, as he had only quoted the utterance of various responsible French Ministers. The French had come down from the Annamite watershed and had acted upon their former declarations that they would occupy certain posts on the Mekong River, the territory referred to in his question. It was natural enough that the Siamese should have offered some slight opposition. At the present moment our interests were not directly affected; they were only affected on the upper river; and as regarded that portion of the country, he regarded the answer given a few months ago by the noble Earl as a perfectly satisfactory one. But with regard to the lower portion of the river, where the French had put their claim into execution, he did not hesitate to prophesy again. The French asserted that they desired to use the Mekong River as a waterway, because they anticipated that they were going to enter upon a lucrative trade there. Supposing that they found the river navigable, then it was only natural that they should require the right or western bank so as to obtain complete control of the river. If they did this, what was to be the limit of their sphere of influence on that bank? But supposing, as was far more probable, that the Mekong River should prove absolutely valueless for trade by reason of there being no trade to carry on, even although they were able to navigate it by stern wheel steamers, trans-shipments at the rapids, Decauville railways, and such like contrivances; and supposing that the French held only one bank of the river, it would be very easy for some slight quarrel to arise, and such a quarrel would be certain to afford some excuse for action on the part of the French Government. The French would press forward to the wider and more cultivated

portions of Western Siam. There was no natural frontier between the Mekong and the Menam, and it was on the latter river that Bangkok, the capital of Siam, was situated. There was no strongly-marked watershed between the two rivers, and it would be difficult to mark out the dividing line. He did not doubt for a moment that the French Government had no idea at present of extending their frontier beyond the Mekong; but if it were once proved that the Mekong was valueless as a waterway, it would only be in human nature that they should seek a more remunerative field for their labours. It was also to be remembered that it had been stated that the Mekong as a frontier was the least the French could demand. Such a statement might be fairly presumed to mean that they might at any time demand more. He need hardly draw their Lordships' attention to the fact that he did not consider that Great Britain could for one moment allow any other European supremacy in Siam proper than her own. His object was to point out what were almost sure to be the ultimate consequences of the present French policy, and that those consequences must inevitably entail difficulties with this country. It was not from rivalry, but to avoid any breach of friendship between France and ourselves, that he should like to see the whole question of the frontiers of Indo-China settled.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Earl of ROSEBERY): I am quite sure, my Lords, that there is no subject on which we could hear my noble Friend with more interest than the question of Siam, because he has had a rare experience with reference to that country, and it is one on which the actual amount of knowledge at the service of Her Majesty's Government is not so large as it seems the fashion to believe. With regard to what the French papers have said about my noble Friend, I do not think he has any particular reason to complain about his having been described as belonging to Mr. Gladstone's Cabinet. If indeed he had traversed Siam in the costume described, he would be fully entitled to belong to this Cabinet, or to any other that might be formed; but much as I should welcome his accession to Her Majesty's Government, I should especially

welcome it at this moment when we stand in need of knowledge of an expert such as he is well qualified to afford. My answer to his questions cannot be very comprehensive, because, so far from deserving the reputation which I see has been accorded to me by the French Press of stirring up trouble between France and Siam, I am very imperfectly acquainted indeed with the causes and actual position of that dispute. From the French Government we have received no communication on the subject—and I do not know that we are entitled to expect any—and the Siamese Government on their side do not seem to be fully acquainted with the demands of France on this matter. As I do not wish, therefore, to acquire the reputation which has been forced upon me of meddling too much in the affairs now pending between France and Siam, I have not acquired that necessary information which would enable me to reply properly to the questions. As regards the first point, whether the districts in question do not lie to the north of the frontier between France and Cambodia, as shown on the French official map of 1881, I am bound to say that the answer is in the affirmative. As to what deduction can be made from that fact, I do not propose to offer any opinion. As regards the second point, whether the Siamese have not been in effective occupation of these places by right of conquest for nearly a century, I am under the impression that the Siamese Government allege that fact, but I am not in a position either to confirm or refute it. As to the third point, whether any reasons have been shown for this violation of Siamese territory, I have already said that I am very much in the dark. My last information was to the effect that the Siamese Government themselves do not know the exact nature of the French demands; but it is, of course, obvious to all who have studied the question that the French have lately asserted that the Siamese have not held this district so long as they allege, and that, therefore, the French are only taking possession of what is rightly their own, as, in fact, these districts are tributaries to the Annamite Empire, of which they are the protectors. I am quite aware that my noble Friend could well wish for more information, but I am

sorry to say that I am not in a position to give it to him, and he can well understand that it is not a subject on which, in present circumstances, I can dilate.

RUSSIAN WORKS IN PERSIA.

MOTION FOR PAPERS.

VISCOUNT SIDMOUTH moved for Papers relative to a concession reported to have been made to the Russian Government for the construction of public works in Persia. He said, their Lordships were no doubt aware that important concessions had been given by Persia to the Russian Government for the construction of roads and other public works. In view of the great importance of the matter, should this be the fact, he trusted the noble Earl opposite would give the House all the information in his power, remembering that such a concession would have not only a commercial, but a great political bearing. He wished also to ask another question, but would give notice of it if desired, whether the noble Earl could inform the House if any works had been constructed or were in contemplation for opening up in British interests the navigation of the River Karoom from the Persian Gulf?

THE EARL OF ROSEBURY: The noble Viscount is quite right in thinking I would rather have notice of his second question. As regards the first, I am not in a position to give my noble Friend very full information, because all that has reached us has been in telegrams, and I do not think that these form a proper basis to give as full an answer on a question of this kind as I could wish. But, as far as I can gather from the news I have received, this concession is only a revival of part of an old concession granted in 1890, and which has practically lapsed by disuse. As soon as I receive further information, by Despatches or otherwise, I will communicate it to the noble Viscount; but in the meantime our impression is that, both from investigation at Teheran and from investigation on the part of the Indian Government, there is nothing in this concession to which Her Majesty's Government can take serious objection.

LOCAL GOVERNMENT PROVISIONAL
ORDER BILL.

Read 3^a (according to Order), and
passed.

LOCAL GOVERNMENT PROVISIONAL
ORDER (No. 3) BILL.—(No. 72.)

Read 3^a (according to Order), and
passed.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 4) BILL.—(No. 115.)

Amendments reported (according to
Order), and Bill to be read 3^a To-
morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 5) BILL.—(No. 78.)

Amendments reported (according to
Order), and Bill to be read 3^a To-
morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 9) BILL.—(No. 116.)

Amendments reported (according to
Order), and Bill to be read 3^a To-
morrow.

LOCAL GOVERNMENT PROVISIONAL
ORDER (HOUSING OF WORKING
CLASSES) BILL.—(No. 114.)

Read 3^a (according to Order), and
passed.

PIER AND HARBOUR PROVISIONAL
ORDERS (No. 4) BILL.—(No. 129.)

Amendments reported (according to
Order), and Bill to be read 3^a To-
morrow.

RAILWAY RATES AND CHARGES PRO-
VISIONAL ORDER [CRANBROOK
AND PADDOCK WOOD RAILWAY,
&c.] BILL.—(No. 130.)

Read 3^a (according to Order), and
passed.

ELECTRIC LIGHTING PROVISIONAL
ORDER (No. 5) BILL [H.L.].—(No.
89.)

Read 3^a (according to Order), and
passed, and sent to the Commons.

House adjourned at ten minutes
before Five o'clock, till To-morrow,
a quarter past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 15th June 1893.

MESSAGE FROM THE LORDS.

That they have passed a Bill, intituled,
“An Act to provide for prohibiting the
catching of Seals at certain periods in
Behring's Sea and other parts of the
Pacific Ocean adjacent to Behring's Sea.”
[Seal Fishery (North Pacific) Bill
[Lords.]]

Also, a Bill, intituled, “An Act to
confirm a Provisional Order made by the
Board of Trade under the Electric Light-
ing Acts, 1882 and 1888, relating to
Islington.” [Electric Lighting Pro-
visional Order (No. 6) Bill [Lords.]]

Parliamentary Debates,—That they
request, That this House will be pleased
to communicate to their Lordships a
Copy of the Report, &c. of the Select
Committee appointed by this House in
the present Session of Parliament on
Parliamentary Debates.

QUESTIONS.

LABOURERS' DWELLINGS IN DUN-
GARVAN.

Mr. WEBB (Waterford, W.): I beg
to ask the Chief Secretary to the Lord
Lieutenant of Ireland whether a loan of
£1,700 to the Dungarvan Town Com-
missioners, for the erection of labourers'
dwellings, was sanctioned by the Local
Government Board and Board of Works,
and plans for same approved; whether
upon such sanction and approval £275
was by said Commissioners paid for a
site; and whether there is any and what
reason for delay on the part of the
Treasury in granting the necessary loan?

*THE SECRETARY TO THE TREA-
SURY (Sir J. T. HIBBERT, Oldham):
It is true that the loan of £1,700 was
sanctioned, as stated in the question, and
it has now received the approval of the
Treasury.

IRISH DISPENSARY DOCTORS.

Mr. M'CARTAN (Down, S.): I beg
to ask the Chief Secretary to the Lord

Lieutenant of Ireland whether he can now state how many of the 82 dispensary doctors in the Counties of Antrim and Down and in the City of Belfast are Catholics?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): I am afraid I must refer the hon. Member to my reply to the question which he addressed to me on this subject on the 5th instant, when I stated that the Local Government Board could give no information as to the religious denominations of the gentlemen mentioned.

THE NILE CORVÉE.

MR. S. SMITH (Flintshire): I beg to ask the Under Secretary of State for Foreign Affairs (1) whether any estimate has been given to Her Majesty's Government of the probable cost to the Egyptian Treasury of carrying out the scheme for the payment of the Nile Corvée, to which Lord Cromer refers in his Report, Egypt, No. 3, 1893, p. 13; (2) whether it is the intention of the Egyptian Government to employ forced, unfed, and unpaid labour in the protection of the Nile banks during the approaching inundation; (3) and whether he can state approximately the number of men employed in 1892, the number of days' work, and the amount contributed in labour to the Egyptian Treasury by their compulsory employment?

THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir E. GREY, Northumberland, Berwick): (1) Various estimates as to the probable cost have been made, but no reliable calculation can be arrived at until experimental trials have been carried out on a small scale, and this it is now proposed to do. (2) During the approaching inundation the system hitherto in use will be followed, except in such district or districts as may be selected by the Egyptian Government for a trial of paid labour. (3) We have no data which enable a reply to be given to the last paragraph of the question, but the hon. Member will see from the previous part of any answer that the Egyptian Government is anxious to collect accurate statistics with which to lay a foundation for future reforms.

BROWNDOWN RIFLE MEETING.

ADMIRAL FIELD (Sussex, Eastbourne): I beg to ask the Secretary of State for War whether it is true, as reported, that the War Office authorities have refused to allow service ammunition to be issued free for the usual annual naval and military prize competition at Browndown, held under the patronage of the Naval Commander-in-Chief and the General commanding the Southern District; whether it is a fact that for many years past ammunition has always been granted as an encouragement to both Services to acquire proficiency in the art of shooting at these annual prize meetings; and whether, seeing that the officers mainly provide the prizes, he will direct that the necessary ammunition be supplied in the interest of the Public Service?

***THE SECRETARY OF STATE FOR WAR** (Mr. CAMPBELL-BANNERMAN, Stirling, &c.): I am informed that ammunition was refused for the Browndown Rifle Meeting this year because a large excess of ammunition issued for this purpose in previous years was struck off at the request of the General Officer commanding the district, on the ground that these meetings would not be held in future, the organisation under which they had been held having been broken up, and there being no person left in the district who could be held responsible. Of course, I can only speak with regard to the Army.

OBAN POSTAL ARRANGEMENTS.

MR. MACFARLANE (Argyll): I beg to ask the Postmaster General if he is aware of the great inconvenience caused to the inhabitants of Lerags, near Oban, by the change in their postal arrangements made last January, whereby letters are detained a whole day in transit; and whether he would restore the previous system which had been in force for upwards of 30 years to the entire satisfaction of the district?

THE POSTMASTER GENERAL (Mr. A. MORLEY, Nottingham, E.): The change referred to by the hon. Member formed part of a revision of Service which seems to have proved generally acceptable; but in consequence of the complaint from Lerags, I have

sanctioned modified arrangements that will, I understand, meet the wishes of the residents there.

INDIAN CIVIL SERVICE GRIEVANCES.

SIR SEYMOUR KING (Hull, Central): I beg to ask the Under Secretary of State for India (1) whether the Secretary of State has altered or withdrawn in any way the declarations made on behalf of the Secretary of State by the then Under Secretary of State to the Select Committee of 1890, on the grievances of Civil servants in India, in Questions 72 and 97, that the rule in the Civil Service Pension Code merely gives the Secretary of State power to make rules and regulations within the conditions and contracts under which the Civil servants have entered his service, and that any rule which had the effect of making an alteration in the conditions of service would be *ultra vires*; and that the Secretary of State claims no power of depriving gentlemen, by *ex post facto* rules, of rights which have accrued to them; (2) whether the validity of these declarations is now in practice admitted and enforced by the Secretary of State and Government of India in dealing with Indian Civil servants; (3) if so, whether these declarations are also admitted and applied to the case of military officers serving the Indian Government; and (4) whether the Secretary of State, with regard to such officers, claims or exercises the power of depriving them, by *ex post facto* rules, of rights which have accrued to them, and of making rules or regulations which have the effect of making an alteration in the conditions of their service?

*THE UNDER SECRETARY OF STATE FOR INDIA (Mr. GEORGE RUSSELL, North Beds.): (1) The Secretary of State has not altered the declarations made to the Select Committee on the grievances of Civil servants. While the Government reserves to itself the right of changing the Leave and Pension Rules at its discretion, when necessary in the interests of the Public Service, the Secretary of State has given instructions to the Government of India that when, owing to the exercise of that discretion in any case of apparent hardship through the alteration of the rules, it is to be examined when the case is to retire, and it is to be

considered whether the new rules should not be modified in the particular instance. In several cases since 1890 this has been done. (2) Yes. (3 and 4) As regards military officers, it has been repeatedly laid down that the Secretary of State has the right of altering the conditions under which they are employed. But it has always been understood that, as a rule, some counterbalancing benefit should be given to compensate for any advantage taken away, if the loss is so great in degree as to call for compensation.

ADMIRALTY TENDERS.

MR. HANBURY (Preston): I beg to ask the Secretary to the Admiralty whether the sale of old warships by the Admiralty is effected by throwing tenders open to public competition or only to a limited number of firms; and, if so, how many and what firms; and what is the reason for so limiting the number of possible purchasers?

THE SECRETARY TO THE ADMIRALTY (Sir U. KAY-SHUTLEWORTH, Lancashire, Clitheroe): The Admiralty practice is to invite the most complete public competition for the purchase of old ships. Tenders are called for by advertisement, and forms are sent to all the firms (over 100 in number) who at any time have expressed a wish to receive notice of sales.

KINGSTOWN AND HOLYHEAD MAIL CONTRACT.

DR. KENNY (Dublin, College Green): I beg to ask the Postmaster General when the existing contract for the carriage of mails between Kingstown and Holyhead will terminate; and whether there are at present pending any negotiations in relation to its renewal?

MR. A. MORLEY: The contract in question is terminable on 12 months' notice given on or after the 30th September, 1894. No negotiations are now pending on the subject.

MONASTERENAN STATION, GREAT SOUTHERN AND WESTERN RAILWAY.

MR. MINCH (Kildare, S.): I beg to ask the President of the Board of Trade whether it is a rule of the Board of Trade that every station on the main line of a railway over which express mail trains pass should be provided with a bridge over, or a subway beneath, the line for

the protection of the public; and whether he will explain why there is no such protection at Monasterenan Station on the Great Southern and Western line, in the County of Kildare?

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside): The rule is not as stated by the hon. Member; but as regards all new lines there is a requirement that—

“Footbridges or subways are to be provided for passengers to cross the railway at all exchange and other important stations.”

The Board of Trade have no power to compel the Great Southern and Western of Ireland Railway Company to provide a footbridge. I have, however, received a communication from the Secretary, which states that the

“matter has been under the consideration of the company, but it has not yet been decided whether a bridge or subway would be most suitable.”

I anticipate, therefore, that something will shortly be done.

INDIAN MILITARY CHARGES.

MR. S. SMITH: I beg to ask the Under Secretary of State for India whether the attention of Her Majesty's Government has been drawn to the recent statement of Lord Northbrook that India was for a period of 14 years, up to 1884, charged with a sum of £4,000,000 a year, in consequence of the mode of adjusting military expenses between England and India, of which sum one-half ought to have been borne by the Imperial Exchequer; (2) whether at the meeting of the new Legislative Council in Calcutta, Lord Lansdowne will be empowered to give any explanation on this subject; and (3) whether, considering the condition of Indian Finance, the Home Government will consent to a revision of the existing adjustment of military expenses?

***MR. GEORGE RUSSELL:** Yes, Sir. Lord Northbrook's statement referred to the system of paying the capitalised value of each pension which was abandoned in 1884. (2) It would be open to the Viceroy to give explanations in answer to any question on the subject in the Legislative Council. (3) As any such revision would affect several Departments of the Government, the Secretary of State is unable to give an answer to my hon. Friend's last question.

THE WARRANT AGAINST DR. COCHRANE.

MR. DANE (Fermanagh, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland upon whose information, and for what alleged offence, was the warrant recently issued for the arrest of Dr. Cochrane, F.R.C.S.I., of Longford, issued; will he explain why the warrant has not yet been executed; is he aware that the issue of the said warrant has been calculated seriously to injure Dr. Cochrane in the discharge of his professional duties; and will he direct either the immediate execution of the said warrant, or its prompt withdrawal?

MR. J. MORLEY: The police have no knowledge of the issue of a warrant against this gentleman. It is a fact, however, that a person named Byrne has been arrested, and bailed to the next Petty Sessions at Arva, on the 21st instant. He is charged with having broken into the house of a Mrs. Kavanagh, whose daughter is lying in a cataleptic state; and possibly this may have given rise to the rumour that a warrant had been issued against Dr. Cochrane, who is in some way mixed up in the case.

UNLAWFUL ASSEMBLY IN COUNTY LEITRIM.

MR. DANE: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, with reference to the prosecution directed by him against 19 men at the Kishcarrigan Petty Sessions, County Leitrim, who unlawfully assembled at Killeclaremore, on the farm of James Faughnan, on the 23rd April last, and broke down and destroyed the fences, has he been informed that District Inspector Rodgers stated to the Magistrates that he had been directed only to proceed against these men for a malicious injury; that the Resident Magistrate stated the police had no *locus standi* in such a charge as prosecutors; and that the charge should have been for riot and unlawful assembly, and accordingly the charge was dismissed without prejudice—will these men be proceeded against for riot and unlawful assembly; is he aware that James Faughnan and his family have since been subjected to much annoyance, followed along the road when returning from the

Catholic Chapel, and spat upon; and have any steps been taken to put a stop to such conduct?

MR. J. MORLEY: The cases against the 19 defendants were brought before the Magistrates at the Petty Sessions referred to on the 5th instant. The summonses were in the name of the District Inspector, as complainant, for unlawful and malicious injury to property; but the Magistrates ruled that the police could not be entered as complainants, although, it appears, they were willing to amend the summonses by inserting the name of James Faughnan—the person aggrieved—as prosecutor. The District Inspector of Police seems, however, to have thought that if his name were erased from the summonses he could not appear in the cases and press for punishment; and the Magistrates, therefore, dismissed the summonses without prejudice. The question of a renewal of the proceedings is now under the consideration of the Law Officers. It is not a fact that the Resident Magistrate stated, as alleged, that the charge should have been for riot and unlawful assembly. The police proceeded at the same Petty Sessions on the 5th instant against two persons for assault on a member of Faughnan's family; they were convicted and sentenced to a month's imprisonment, and afterwards to find sureties to keep the peace and to be of good behaviour, or, in default, to be imprisoned for an additional month. The incident mentioned in the fourth paragraph took place on the 14th May, and a prosecution for assault arising out of this occurrence is now pending. Faughnan and his family have not been interfered with in any way since the prosecutions of the 5th instant.

THE INDIAN FINANCE ACCOUNTS.

MR. PROVAND (Glasgow, Blackfriars): I beg to ask the Under Secretary of State for India, the Indian Finance Accounts having been published, can the usual Explanatory Memorandum relating to them be issued at an early date, without it being kept waiting for final telegraphic corrections to the date when the Indian Statement is usually made in the House?

MR. GEORGE RUSSELL: The Memorandum is nearly completed, and will be presented in a few days.

Mr. Dane

RE-ENLISTMENTS IN THE ARMY.

MR. E. H. BAYLEY (Camberwell, N.): I beg to ask the Secretary of State for War whether his attention has been called to the case of Michael Mooney, late corporal in the 1st Dorset Regiment in February, 1883, who paid £28 for his discharge, having served five years, including the Egyptian Campaign; is he aware that Mooney re-enlisted in less than three months afterwards, and served six years and three months more, including service up the Nile 1885-6, and that in July, 1889, he was discharged as medically unfit through illness contracted in Malta; will he explain on what grounds Mooney was not only refused repayment of any portion of his £28, but the first five years of his service were not calculated in estimating his pension, although Lord Wolseley wrote in 1892 to His Royal Highness the Commander-in-Chief and to the Secretary of State for War, calling attention to the injustice of Mooney's treatment; will he restore the Rule in operation up to July, 1881, under which soldiers re-enlisting after obtaining discharge by purchase got half their money back, and the whole of their former service restored; and will he make the Rule retrospective, so as to meet cases like that of Mooney?

***MR. CAMPBELL-BANNERMAN:** The corporal's name was Meaney, not Mooney. It is not considered desirable that soldiers who have purchased their discharge should return to the Service, and those who are allowed to do so must accept the conditions imposed. Since the introduction of short service, no refund of purchase money has been allowed, but it is in contemplation so far to relax this Rule as to allow a portion of the purchase money to be refunded in the case of a soldier who has only served two or three years. This would not apply to Meaney's case. If the former service had been reckoned Meaney would still have been disqualified for pension.

PURFLEET POWDER STORES.

MAJOR RASCH (Essex, S.E.): I beg to ask the Financial Secretary to the War Office whether he is aware that numerous complaints are made by the *employés* at the Government powder stores at Purfleet, Essex, of insufficient and unsuitable clothing, deficient accom-

modation for changing clothes (according to the Regulations), and overcrowding in the workmen's dwellings; and whether he will take steps to improve the condition of the men serving there in these particulars?

***THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. WOODALL, Hanley):** Certain improvements providing for the heating of the apartments in which labourers at Purfleet have to change their clothing are under consideration, but no complaint from the labourers of the nature indicated in the question has come under the notice of the War Department. If the hon. and gallant Member will furnish me with particulars of the representations that have been made to him they shall have due attention.

ALLEGED OUTRAGE AT HELSTON.

MR. W. REDMOND (Clare, E.): I beg to ask the Secretary of State for the Home Department whether he is aware that, as has been stated in the daily papers, a double-barrelled gun was discharged through the windows of the house of Mr. Henry Rogers, of Helston, Registrar of the County Court, at about 11 o'clock on Monday night, shattering the glass and frightening Mr. Rogers considerably, and that a second volley was fired through Miss Rogers' bedroom window, fortunately without doing any personal injury to the lady; and whether any arrests have yet been made?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): I have no information beyond the statement in the newspapers, but I am having inquiry made as to the actual facts of the occurrence.

MR. W. REDMOND: I hope that hon. Members will observe this moon-lighting outrage took place, not in County Clare, but in Cornwall.

THE CASE OF SURGEON LIEUTENANT GENERAL FRANKLIN.

SIR SEYMOUR KING: I beg to ask the Under Secretary of State for India, with reference to the case of Surgeon Lieutenant Colonel Franklin, whether it is the case that under the Rules of 1868, under which that officer entered the Service, there is no express reservation of the right of the Secretary of State to alter the Furlough Regula-

tions as there is in the Rules of 1886; and, if so, on what grounds Dr. Franklin has been excluded from the benefit of the Rules of 1868?

***MR. GEORGE RUSSELL:** In the Furlough Rules of 1868 there is no expressed reservation of the right of the Secretary of State to alter these Rules as there is in the Leave Rules of 1886. But the Secretary of State has always had, and has frequently exercised, the power of altering the Rules of 1868, under which Surgeon Lieutenant Colonel Franklin entered the Service; and it was only because there seemed to be some misapprehension on this point that the reservation was expressly inserted in the Rules of 1886.

BURMA PRISONS.

MR. CAINE (Bradford, E.): I beg to ask the Under Secretary of State for India (1) if the Sanitary Commissioner for Rangoon Port and City also holds the additional offices of Deputy Surgeon General and Inspector of Gaols with Civil administration for Burma; (2) if there are 36 gaols in Burma, with many thousands of prisoners; (3) if the Civil Medical Department is at present engaged in establishing a new system of dispensaries and hospitals throughout Burma; (4) and if the health of the City and Port of Rangoon furnishes full employment for a medical officer; and, if so, will the Secretary of State direct the appointment of separate medical officers for each of these Departments?

***MR. GEORGE RUSSELL:** (1.) No, Sir; there are separate health officers for Rangoon City and for Rangoon Port, both being subordinate to the head of the Provincial Medical and Sanitary Departments, who is also Inspector General of Gaols. (2.) There are not 36, but 31, gaols in Burma, containing about 11,500 prisoners. (3.) So far as the Secretary of State is aware, no new system is being introduced, though the existing system is being constantly extended and improved. (4.) In these circumstances, the Secretary of State sees no reason as at present advised to issue instructions.

THE POSTMEN AND THE ROYAL WEDDING.

SIR J. LENG (Dundee): I beg to ask the Postmaster General whether the precedent established at Her Majesty's

Jubilee, whereby postmen were granted a day's holiday, to be taken as the exigencies of the Service permitted, can be followed on the occasion of the approaching Royal marriage, and the postmen granted a privilege always accorded to the major establishment of the Post Office and all the Government Offices?

MR. A. MORLEY: The consideration of this question raised by my hon. Friend depends upon whether the occasion referred to is proclaimed as a public holiday, as was the case at the Jubilee. I would refer my hon. Friend to the reply of the Prime Minister on the 9th instant.

GROCERS' LICENCES IN INVERNESS.

MR. BEITH (Inverness, &c.): I beg to ask the Lord Advocate whether his attention has been directed to the report of the Licensing Court, Inverness, in *The Highland News* of 13th and 20th May, when Mr. Kenneth Macleennan, Greig Street, applied for a grocer's licence for premises then in the initial stage of erection in Petty Street; is he aware that the application was accompanied by a Report, signed by John Fraser, Magistrate, stating that he had examined "the plans" of the said premises, then non-existent; that the Licensing Court adjourned consideration of the case for a month, and then granted the licence, although the building above ground consisted only of three or four iron pillars with a beam overhead; and that, at a Licensing Confirmation Court on 17th May, further consideration of the case was adjourned for a month, to give applicant time to have the premises built; whether, in view of these circumstances, the Magistrate's Report upon "the plans" only was in accordance with the statutory form, and the action of the Burgh Magistrates in granting the certificate for licence therefore *ultra vires*; whether the Confirmation Court had any discretion other than to confirm the certificate granted; and whether the whole proceedings in both the Burgh and Confirmation Courts were in accordance with the provisions of the Licensing Acts?

*THE LORD ADVOCATE (MR. J. B. BALFOUR, Clackmannan, &c.): By the 8th section of the Public Houses Amendment Act, 1862, it is provided that no certificate shall be granted without a

Report by a Justice or Magistrate to the effect that the premises to be licensed "are of suitable construction and accommodation for the purposes applied for;" and the form given in the Schedule appended to the Act, of the Report which the Justice or Magistrate is to sign before the certificate is granted, contains the same words. I have not seen *The Highland News* of the 20th May, but I do not think that a Report by a Magistrate stating that he had examined merely "the plans" of premises not yet in existence would be a sufficient compliance with the requirements of the Act. It appears to me that if objection was taken on this ground before the Confirmation Court, it might competently have been dealt with by them.

FREE EDUCATION IN GLASGOW.

SIR C. CAMERON (Glasgow, College): I beg to ask the Secretary for Scotland whether his attention has been called to the fact that the School Board for Glasgow has, by a majority of over three to one, resolved to free educate in all the public schools under their control, except one, and the statement that it is proposed to turn that one into a high school for girls; whether he is aware that a majority of the members of the Board when elected advocated a contrary policy; or whether, in view of this significant testimony against the system of fee-paying Board schools, the Scotch Education Department will consider the propriety of modifying the Scottish Code so as to secure the abolition of fees for compulsory subjects in all such schools?

MR. PARKER SMITH (Lanark, Partick): Before the right hon. Gentleman replies, I should like to ask him if he has any reason to suppose that a similar change of opinion has occurred in any other place; whether he is aware that in the Burgh of Govan a certain change meant an addition of 1½d. to the rates; and is this not a matter for local option, the inhabitants being able to give expression to their views at School Board elections?

THE SECRETARY FOR SCOTLAND (SIR G. TREVELYAN, Glasgow, Bridgeton): An official letter has been received, stating that no fees are to be charged after August next, for scholars in or below the Sixth Standard, in five

of the six fee-paying schools under the Glasgow School Board; and I see in the Financial Statement of the Board that the only remaining fee-paying school is to be turned into a High School for girls. I am aware that the course now taken represents a change in the policy hitherto pursued by the Board, in accordance with the views of the majority. Elementary education is, therefore, entirely free in Glasgow, and the amount of fee-paying school accommodation in Scotland has been reduced at one stroke by more than 25 per cent. This result has been accomplished by the action of local opinion, and the Department is inclined to trust to the operation of local opinion elsewhere than in Glasgow, especially as the circumstances which have convinced the School Board of Glasgow—such, for instance, as the great number of vacant places in the fee-paying schools—exist even more in some other places than in Glasgow; and I may say that the number of vacant places in the fee-paying schools in Govan is very great indeed, and I have very little doubt that public opinion in Govan will follow that of Glasgow.

DISCHARGES FROM THE ROYAL ARSENAL, WOOLWICH.

SIR J. LENG: I beg to ask the Secretary of State for War whether a number of workmen have been discharged recently from the Royal Arsenal at Woolwich owing to there not being sufficient work to keep the regular staff employed; and whether he will consider the desirability of adopting the short time system, similar to that followed by many private employers, in order to keep their staffs together, and minimise the sufferings caused by lack of employment; or, failing this, whether he will have recourse to the eight hours' system which has proved successful in various large engineering establishments?

MR. WOODALL: During the past few years the normal staff of workmen at Woolwich has been greatly increased in connection with the defence loans; as this extraordinary expenditure ceases we must of necessity revert to the ordinary conditions, and a considerable diminution in the number of men employed becomes inevitable. The discharges have been deferred until the summer, and all possible pains will be taken to minimise

the inconvenience as further reductions may be necessary; the alternative of working shorter hours is under consideration.

SIR J. LENG: Can the hon. Gentleman state to what extent the discharges have taken place?

MR. WOODALL: The reductions already effected have been considerably exaggerated, the numbers now employed being less than 5 per cent. fewer than in the corresponding week last year and a little more than 6 per cent. below the largest number employed in any one week that year.

JUNIOR AND PREPARATORY GRADE PROGRAMMES.

MR. W. JOHNSTON (Belfast, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland will he explain why, if the Commissioners are in favour, as desired by teachers, of making the programme of the Preparatory Grade consist of portions of the programme of the Junior Grade, they have departed from this policy with regard to all the periods of history prescribed, and with regard to all the text-books and portions of text-books (save one), prescribed in Greek, Latin, English, Celtic, and French, for the Preparatory Grade; whether, so far as the Commissioners know, any teacher, or body of teachers, is in favour of such departure; whether (with one exception in English), the Commissioners have prescribed the same text-book for the Preparatory and Junior Grades in any language, save German and Italian, which are studied but by very few students; and whether, with a view to preventing the sub-division of classes by the programme as at present arranged, he will recommend to the Commissioners the inclusion of over-age students in the Preparatory Grade on the terms provided for other grades?

MR. J. MORLEY: The Assistant Commissioners of Intermediate Education report that no general expression of opinion in favour of making the programme of the Preparatory Grade consist of portions of the programme of the Junior Grade has reached the Board. A large body of teachers have remonstrated against such a policy for the Preparatory Grade. It is the fact that in the programme for 1894, with the exception of German, Italian, and one of the works

prescribed in English, the Commissioners have not prescribed the same text-book for the Preparatory and Junior Grades in the case of the languages. Works suitable for Junior Grade are not in every case suitable for Preparatory Grade, and therefore portions of such works could not appropriately be prescribed for Preparatory Grades. The Commissioners considered the question of the inclusion of over-age students in the Preparatory Grade, and came to the conclusion that such a course was not desirable.

COVENTRY INDUSTRIAL SCHOOL.

MR. LEES-KNOWLES (Salford, W.): In the absence of the hon. Member for the Nuneaton Division of Warwickshire, I beg to ask the Secretary of State for the Home Department if he can now state what steps he is prepared to take in the case of Emma Lee, lately an inmate of the Coventry Industrial School; and if he is prepared to take such steps as may prevent the recurrence of any similar punishment being inflicted on any other inmate of that school as was recently inflicted on Emma Lee?

MR. ASQUITH: I have carefully gone into this case, and have come to the conclusion that the superintendence and management of the school ought no longer to be entrusted to the matron, and that she should be called upon to resign. I have given instructions that a letter shall be sent to this effect to the managers. I have also conveyed to them my opinion that the flogging of girls for petty offences is an indefensible practice, and the infliction of flogging in any case in the presence of the whole school is altogether inexcusable.

CLYDE DREDGINGS.

MR. MACFARLANE (Argyll): I beg to ask the President of the Board of Trade whether the Harbour Trustees or any other body in Greenock, Port Glasgow, or Dumbarton have power under Statute to deposit any dredgings in Loch Long, or whether they have the permission of the Board of Trade to do so, in spite of the Petitions of fishermen and residents praying for protection?

MR. MUNDELLA: No permission has been given to anyone by the Board of Trade to deposit dredgings in Loch Long. The Dumbarton Harbour Trustees

have asked for such permission and been refused. The Greenock Harbour Trustees state that they have made no such deposit since October last, and that their dredger has been working for the Clyde Lighthouse Trustees referred to in the hon. Member's question last Tuesday. With regard to the Authorities at Port Glasgow I have received no complaint. So far as I have been able to ascertain, no statutory powers to deposit in Loch Long exist in any of the three cases referred to in the question.

MR. MACFARLANE: In case any Harbour Trustees, in spite of the refusal of permission, continue to make these deposits, will the power of the Board of Trade be exercised to put an end to the practice? Will the Board of Trade prohibit the practice and not merely refuse permission?

MR. MUNDELLA: I am not aware that after refusal of permission any Harbour Trustees have continued making these deposits. But, if that be the case, we shall be only too happy to act as we did in the case of the Clyde Trustees and place the powers of the Board at the service of the residents.

MR. MACFARLANE: I will supply the right hon. Gentleman with evidence of the fact that they are still making these deposits.

BILL STAMPING OFFICES IN SCOTLAND.

MR. HOZIER (Lanarkshire, S.): I beg to ask the Chancellor of the Exchequer whether, in view of the very large number of bills of exchange drawn in Glasgow upon India and China, he can see his way to establish in Glasgow an office for the stamping of bills, which at present have to be sent to Edinburgh for that purpose?

THE CHANCELLOR OF THE EXCHEQUER (Sir W. HARCOURT, Derby): I will refer the hon. Member to a reply given by my predecessor to a precisely similar question on the 12th May last year. The situation remains unaltered, and I fear I can hold out no hope of extending the stamping facilities already granted to Glasgow. If it can be shown that the stamps are insufficient at the Inland Revenue Office, steps will be taken to increase the stock.

MR. HOZIER: Does the right hon. Gentleman consider that the present

arrangement gives satisfaction to the business community in Glasgow?

SIR W. HARCOURT: I dare say the hon. Member knows more about that than I do. I have given him the answer I have received from the Department.

MAIL ROUTE FOR THE UNITED STATES.

MR. MACARTNEY (Antrim, S.): I beg to ask the Postmaster General whether, having regard to the early arrival of the American mails landed at Queenstown, and the fact that answers to letters by said mails were enabled to be made the following day, he will consider the advisability of making a communication to the American Postmaster General, with a view of having all mails for the United Kingdom, except ship-directed letters, landed in future at Queenstown?

MR. A. MORLEY: The choice of steamers at New York is believed to be still regulated according to records of the through time to London on the last three eastward voyages; and so long as this is the case it would not be reasonable to make any communication on the subject.

MR. MACARTNEY: May I ask whether the right hon. Gentleman is aware that the landing of American mails at Southampton involves 18 hours' additional steaming; and that, given two vessels of equal speed, the advantage will always be in favour of disembarking the mails at Queenstown?

MR. FORWOOD (Lancashire, Ormskirk): May I inquire whether it would not be possible to have letters for the North of England delivered *viâ* Queenstown, whatever may be decided with respect to London letters?

MR. A. MORLEY: I will consider how far that is possible. The subject of the carriage of the American mails is entirely within the control of the American Post Office, and the English Government have no right to interfere. The American Government select their own steamers, and I am bound to confess that the rule the American Postmaster General had laid down is, under all the circumstances, extremely fair.

MR. MACARTNEY: Is not the right hon. Gentleman aware that the American Postmaster General has informed the Dublin Corporation and Chamber of Commerce that he will be per-

fectly ready to receive any information from the English Postmaster General.

MR. A. MORLEY: I have not heard of such an intimation being given; but as soon as I come to the conclusion that the arrangements of the American Post Office are not in accordance with the interests of this country I shall be perfectly ready to make a recommendation.

MR. W. REDMOND (Clare, E.): Will the right hon. Gentleman make a representation to the American Postmaster General based upon the facts in his possession, seeing how greatly this matter affects Queenstown and that part of Ireland?

MR. A. MORLEY: I am watching the matter, and when the time comes will make any representation which may be necessary.

MR. FLYNN (Cork, N.E.): Is the right hon. Gentleman aware that the mails brought *viâ* Queenstown last Saturday were delivered the same evening, while the mails coming *viâ* Southampton were not delivered until Monday?

MR. A. MORLEY: I am not sure as to the exact time; but there is no doubt that the mails coming *viâ* Queenstown were delivered in Ireland very much quicker than the mails by the other route.

MR. FLYNN: And in London, too.

THE CUSTOMS HOUSE AND SAMPLES POST.

MR. ALBAN GIBBS (London): I beg to ask the Chancellor of the Exchequer, considering that it has been the practice for some years to allow dutiable articles, when sent in in small quantities as *bonâ fide* samples, to be received in this country by sample post, will he explain why the Commissioners of Customs have recently demanded a strict enforcement of the law against the importation of the articles in question, free of Customs duty, in consequence of which the Post Office is about to prohibit their introduction by sample post; and whether, in view of the great convenience to trade which comes from receiving samples without delay, and the very small revenue which would be obtained from levying duties on samples, he will cause the demand of the Commissioners of Customs to be withdrawn, or, at least, will make arrangements by which importers may compound for the duty on their samples,

so that they may receive them without the delays caused by the formalities of the Custom House?

SIR W. HARCOURT: It has been found necessary to enforce the law strictly in the case of samples by post. It practically only affects the tobacco trade. The Customs report to me that a trade has been established with several private persons whereby they were able to receive periodically, perhaps even daily, a supply of tobacco (principally cigarettes), through the post, duty free, the position of the recipients ranging from a high to a low social status. I can give the hon. Member a list of these private persons. It is very interesting, and strictly confidential.

MR. ALBAN GIBBS: But does this objection apply to tea? Could not some special arrangement be made for the tea trade, which is seriously inconvenienced by the prohibition against the sending of small samples by post?

SIR W. HARCOURT: Tea is very cheap in relation to its weight, while cigarettes are very dear, and it is worth while to make this economical arrangement with respect to Egyptian cigarettes, but not in regard to tea. I must ask for notice as to whether a special arrangement can be made for the tea trade.

MR. MACFARLANE: Will the right hon. Gentleman lay on the Table the names of the persons who have made this arrangement?

SIR W. HARCOURT: No, Sir.

UNDERGROUND BAKEHOUSES IN LONDON.

MR. E. H. BAYLEY: I beg to ask the President of the Local Government Board whether, in view of the large and increasing number of unventilated and unventilatable underground bakehouses in London (there being 21 in one parish in Southwark alone), causing injury to the health of the journeymen bakers and possible contamination of the food of the public, he will, in order to prevent the evil in future, insert a clause in "The Public Health (London) Act, 1891," forbidding cellar bakehouses, and requiring all bakehouses to be registered direct to the Sanitary Authority previously to their being opened, in a similar manner to that adopted in the case of slaughter and cowhouses; whether he will state approximately the number of under-

ground workshops and dwellings in London; and whether, with a view to prevent the use of such dwellings, he will cause the elimination of the word "separate" from Section 96 (1) of "The Public Health (London) Act, 1891"?

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. H. H. FOWLER, Wolverhampton, E.): There are provisions in the Factory and Workshops Acts with respect to the cleanliness, ventilation, and other sanitary conditions of bakehouses. Under the Public Health (London) Act, 1891, these provisions are to be enforced by the Sanitary Authority of the district in which the bakehouse is situated, and they are the Local Authority under the meaning of the Factory and Workshops Acts. Those Acts impose heavy penalties in any case where a Court of Summary Jurisdiction is satisfied on the prosecution of an Inspector or Sanitary Authority that any room or place used as a bakehouse is in such a condition as to be on sanitary grounds unfit for use or occupation as a bakehouse. I have no information as to the number of underground workshops and dwellings in London. The provisions as to cellar-bakehouses and underground dwellings were considered by Parliament so recently as 1891, when the Public Health (London) Act was passed.

THE INDIAN CURRENCY QUESTION.

MR. CHAPLIN (Lincolnshire, Sleaford): I beg to ask the Chancellor of the Exchequer, in reference to the reported recommendation by the Indian Currency Committee—namely, that the Indian Mints should be closed to the free coinage of silver, whether he is aware that the present Financial Secretary to the Government of India gave evidence before the Gold and Silver Commission to the effect that the uncoined silver in possession of the Native population of India was estimated to amount to probably at least £130,000,000 sterling; whether he has considered that a further fall in the value of the uncoined metal will follow upon the closing of the principal market in the world which still remains open to silver, and that the value of the whole of this enormous Native property will be prejudiced thereby; and whether, in view of the alarm which uncontradicted reports as to the closing

Mr. Alban Gibbs

of the Mints are calculated to arouse in the minds of that population, he will reconsider his decision, and allow the true facts of the case to be published without further delay?

SIR W. HARCOURT: I do not doubt that the silver question is one of supreme consequence to India. It is for that reason that we desire to have the judgment of the Indian Government upon the matter before any change is resolved upon or announced. To publish the Report, without at the same time announcing a decision, would tend to create rather than discourage alarm and speculation.

MR. CHAPLIN: Is the House to understand from the answer of the right hon. Gentleman that it is not to have an opportunity of considering the subject before the Government came to a decision?

SIR W. HARCOURT: I have not said that at all. What I did say was that before Her Majesty's Government could take any further steps they must know the decision of the Indian Government.

SIR W. HOULDSWORTH (Manchester, N.W.): I beg to inquire whether the right hon. Gentleman has received communications from Chambers of Commerce and other Commercial Bodies protesting against the closing of the Mints in India, and whether, under the circumstances, he will not give a promise that no final steps shall be taken without a Report being laid before Parliament?

SIR W. HARCOURT: I cannot give any promise on the subject.

ATTEMPTED BOYCOTTING IN FERMANAGH.

MR. DANE: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland is he aware that, early upon the morning of Monday, the 29th May last, a party of masked moonlighters visited the house of Peter Corrigan, in the townland of Ballintempo, near Belcoo, in the County of Fermanagh, handed Mrs. Corrigan a book, and ordered her to swear that she would compel Peter Corrigan, her husband, to give up a farm he had taken, the former tenant of which had been evicted for non-payment of rent; is he aware that Mrs. Corrigan was boycotted and assaulted in the markets of Belcoo and Blacklion, and

that a man named M'Grory was recently convicted at Letterburn Petty Sessions, and sentenced by the local Justices to two months' imprisonment with hard labour for assaulting her; also that an attempt was made to boycott Peter Corrigan at the Enniskillen Butter Market, upon the 10th instant, and only prevented by the presence of a number of policemen; and have any, and, if so, what, steps been taken to afford protection to these people?

***MR. JORDAN (Meath, S.):** Before the right hon. Gentleman answers that question, I will ask him if he is aware that there is no market at Belcoo; whether he knows that no butter market was held in the town of Enniskillen on the 10th instant, and does he consider it part of his duty to prevent Mrs. Corrigan intimidating her husband, Peter Corrigan?

MR. J. MORLEY: I am informed that on the 29th May Mrs. Corrigan alleged that the occurrence referred to in the first and second paragraphs took place; but the matter having been fully and carefully investigated by the Local Police Authorities, they arrived at the conclusion that the woman's story was undoubtedly false. As regards paragraph 3, I understand that the man M'Grory was convicted of assault on Mrs. Corrigan, and sentenced to one month's imprisonment at Petty Sessions on the 19th May. Margaret M'Grory was also convicted on the same occasion and fined the sum of £1. No attempt was made to boycott Corrigan in the Enniskillen Butter Market, as alleged in the fourth paragraph. Any protection which it may be necessary to afford the Corrigans will be given by the police.

GREENWICH AGE PENSIONS.

MR. KEARLEY (Devonport): I beg to ask the Chancellor of the Exchequer whether he will state an approximate date as to when the Treasury intend to introduce, in accordance with the promise given by the Government on 16th March last, the legislation necessary to give effect to that part of the recommendation of the Select Committee on Greenwich Age Pensions (1892) which involves a charge upon the Consolidated Fund?

SIR W. HARCOURT: Unfortunately, the thing required in this case is not

legislation but money, and the latter is at present not forthcoming.

MR. KNATCHBULL-HUGESSEN (Kent, Faversham): Is the right hon. Gentleman aware that, on the faith of the promise of the Government, hon. Members had told pensioners in their constituencies that their demands are to be conceded?

[The question was not answered.]

CRIME IN ESSEX.

MR. W. REDMOND: I beg to ask the Secretary of State for the Home Department how many murders and attempted murders have been committed in the County of Essex during the last quarter; and what are the general figures as to crime in that county during the same period?

MR. THEOBALD (Essex, Romford): May I ask the right hon. Gentleman if any of those murders or attempted murders can in any way be called agrarian or political; and if the juries in Essex have not done their duty fearlessly, and have in no case failed to return a verdict in accordance with the evidence given?

MAJOR RASCH: May I ask whether the hon. Member for Clare is not somewhat premature in connecting these occasional deviations from humanity with the County of Essex, before any Essex man has been either tried or convicted in connection with them?

THE MARQUESS OF CARMARTHEN (Brixton): How many of these murders, or attempted murders, if any, have been due to the carrying of revolvers?

SIR W. LAWSON (Cumberland, Cockermouth): How many of them have been connected with drink?

MR. ASQUITH: I have no reason to suppose that there is anything abnormal in the state of crime in Essex, either as regards amount or quality. I must deprecate—and I think I am justified in doing so, after what the House has just witnessed—the putting of questions with reference to particular counties unless there are some special grounds on which the question can be founded. With reference to the question on the Paper, I have made inquiries. I understand that in the quarter ending March 31 one murder was committed by a man who was afterwards found to be insane. There was no case of attempted murder. From

a Return which I have received from the Chief Constable of Essex, the general figures as to crime during the last quarter are as follows:—(1) Indictable offences: Committed for trial, 19; bailed for trial, 6; summarily convicted, 78; summarily discharged, 34. (2) Offences dealt with summarily: Convicted, 880; discharged, 265.

MR. W. JOHNSTON: Does the right hon. Gentleman not think it peculiarly appropriate that this question should have been put by a Member for quiet and peaceable Clare?

MR. W. REDMOND: Cannot the right hon. Gentleman state how many murders have been committed in the county during the last six months; is it not a fact that no less than four murders have been committed, one of them being the case of a police-sergeant who was beaten to death in the execution of his duty; and when a murder of that description is committed in Ireland, should I be justified in referring to it as “an occasional deviation from humanity?”

MR. ASQUITH: I have answered the question on the Paper. If the hon. Member wants further information he must give me notice.

EMPLOYMENT OF SOLDIERS AND SAILORS.

MAJOR RASCH: I beg to ask the Secretary of State for War whether he has observed that, according to Return 357, 22nd July, 1891, out of 4,768 posts recommended in the Report of Mr. Childers' Committee, 1876-7, to be exclusively reserved for soldiers, sailors, and marines, only 220 had been so filled; and whether he can state the number of such appointments now occupied by men of these classes?

***MR. CAMPBELL-BANNERMAN**: The Return referred to is two years old, and, without collecting information from all the offices concerned, I could not give the number at this date; but I see no objection to the grant of a Continuation Return if moved for.

VOLUNTEER INSPECTIONS IN HYDE PARK.

MR. WHITMORE (Chelsea): I beg to ask the Secretary of State for War whether, in future, he will allow the annual inspections of Volunteer regiments to take place on the ground in

Hyde Park between Knightsbridge and Botton Row, notwithstanding the occurrence of political demonstrations at the same time in the centre of the Park; and whether, if it is considered unadvisable that such inspections and demonstrations should take place concurrently, regard will be paid by the authorities, when sanctioning the use of the Park, to priority of application, as between the Commanding Officers of Volunteer regiments and the organisers of public meetings?

***MR. CAMPBELL-BANNERMAN**: I am afraid that I can say no more than that each case is considered with reference to the circumstances of the moment, and with every desire to hold the inspection in the Park. It is obviously undesirable the inspection of Volunteer battalions should take place in any locality where there is a probability of their being incommoded by the presence of large crowds either on the ground or on the march to and from it.

MR. TOMLINSON (Preston): And is it not equally undesirable that inspections should be postponed for any cause if it can be avoided when once they have been fixed?

MR. CAMPBELL-BANNERMAN: No doubt it is.

PRECAUTIONS AGAINST CHOLERA.

MR. HARRY FOSTER (Suffolk, Lowestoft): I beg to ask the President of the Local Government Board whether he is aware that a strong feeling exists upon both sides of the House in favour of financial assistance to the Port Sanitary Authorities in the expenditure they have incurred, or may be called upon to incur, on the recommendation of the Local Government Board for taking precautions against the invasion of cholera; whether he is aware that this expenditure has in many cases proved a severe burden on the local ratepayers; and whether he will use his influence with the Treasury to secure an advance out of public funds to the Local Authorities in the discharge of a national duty?

MR. H. H. FOWLER: There are three queries addressed to me on this question. As to the first, the hon. Member is no doubt better aware than I am as to what the feeling is on it. As to the second, the local ratepayers are more competent to express an opinion than I

am. The third is, whether I will use my influence with the Treasury to secure an advance out of the public funds. I can only say that, although I do entertain strong opinions on this subject, yet I understand a deputation of Members of this House intend to lay their views before me, and I think it would be disrespectful to them if I were to express any opinion now.

MR. HARRY FOSTER: Arising out of the right hon. Gentleman's answer to the second question, may I ask if he is not aware that in some localities as much as 9d. in the £1 has had to be levied in connection with this special expenditure? Take Dartmouth, for instance.

MR. H. H. FOWLER: I have heard the statement, but I have no means of verifying it. I have received no complaints as to it.

THE AGRICULTURAL DEPRESSION.

MR. CHANNING (Northampton, E.): I beg to ask the First Lord of the Treasury what steps he proposes to take to give effect to the Resolution, adopted by the House on Friday, 9th June, for the amendment of the law relating to agricultural holdings?

MR. CROMBIE (Kincardineshire): At the same time, may I ask whether any legislation introduced by the Government will extend to Scotland?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): I think it is very proper that the case of Scotland, as well as that of England, should be considered in reference to any legislation dealing with agriculture. With respect to the question on the Paper, I assure my hon. Friend that I do not see any opportunity for legislation at the present moment. I hope no long time may elapse before such an opportunity is found; but, in the meantime, the Government are certainly desirous of availing themselves of such assistance as they may derive—and I think they may derive valuable assistance—from the inquiries of the Committee on the subject if it is the pleasure of the House to appoint it.

MR. CHANNING: I should like to ask whether, when the Government accept a Resolution pledging the House to legislate on specific lines, the usual course is for the Government to undertake that legislation; and whether, in re-

ference to this question, the action of the Government does not place the decision of the House in some uncertainty and leads to delay in dealing with the subject of agriculture?

MR. W. E. GLADSTONE: The Government, as my right hon. Friend the Chancellor of the Exchequer said the other night look to obtain assistance from the labours of the Committee; and they do not seek to cast the responsibility for legislation on others.

MR. CHAPLIN: Is the right hon. Gentleman aware that, when an opportunity presented itself a few nights ago for the appointment of a Select Committee to make a specific inquiry into the question, it was absolutely refused by the Chancellor of the Exchequer?

SIR W. HARCOURT: Yes; because we did not think it fit to appoint two Committees, and the right hon. Gentleman himself is the obstacle to the appointment of the principal Committee.

***MR. CHAPLIN:** Is not the principal Committee a Committee of Inquiry into all the causes of agricultural depression; and did not the right hon. Gentleman's own colleague, the First Commissioner of Works, quite recently say that no alteration of the Agricultural Holdings Act could prove to be a possible remedy for agricultural depression?

LORD R. CHURCHILL (Paddington, S.): I have a vivid recollection of that speech. I will ask whether the Resolution passed by the House was not drawn up by one of the most faithful and ardent supporters of the Government?

SIR W. HARCOURT: The Government cannot answer for all the Resolutions drawn up by their faithful and ardent supporters. The Government desire to appoint a Committee to inquire into the causes of agricultural depression, and the remedies for it. They believe the matter referred to in the question to be among the causes to be inquired into by the Committee, but they do not think it desirable to limit the inquiry to that question.

MR. CHANNING: As the Committee will deal with a large range of subjects, cannot the right hon. Gentleman see his way to exclude from its purview the subject decided by the House last Friday, in order that legislation might be prepared on the subject?

Mr. Channing

SIR W. HARCOURT: The Government have not decided that legislation shall take place without inquiry. On the contrary, I had stated positively that inquiry was necessary before legislation, and, therefore, to exclude the subject from the inquiry of the Committee would be absolutely contrary to the declarations made last Friday night.

MR. CHANNING: I beg to give notice that I will take the earliest opportunity to ask for leave to bring in a Bill to carry out the Resolution of the House.

***MR. CHAPLIN:** Seeing that both sides of the House are agreed that it is desirable there should be an inquiry into the Agricultural Holdings Act, I will ask whether the Government will not themselves move for a Committee *ad hoc*, in order that there may be an inquiry into that subject apart from the general question of agricultural depression?

MR. W. E. GLADSTONE: The Chancellor of the Exchequer has declined to confine the inquiry to the working of the Agricultural Holdings Act. If the right hon. Gentleman wishes any reconsideration of that decision—which I am not prepared to promise—it would be well that he should give notice of a question on the subject.

INDIAN CIVIL SERVICE EXAMINATIONS.

MR. SEYMOUR KEAY (Elgin and Nairn): I beg to ask the First Lord of the Treasury, with reference to his recent declaration that the Government of India are being instructed by Her Majesty's Government to say in what mode, in their opinion, and under what conditions and limitations the Resolution of this House for the holding of Civil Service Examinations in India could be carried into effect, whether there is any foundation for the interpretation which has since been publicly put upon it—namely, that what was intended was that the Government of India should not reply by a simple negative, but should examine into the whole question and say whether, in their opinion, there was any mode by which the Resolution could be carried into effect; and whether Her Majesty's Government, adhering to the terms of the declaration already made, will signify to the Government of India their desire that the Resolution of this House should be carried into effect?

MR. W. E. GLADSTONE : This question has been answered by my noble Friend in the other House and by myself in this House in identical terms. There can be no doubt as to the spirit of the answer which we gave, and there is no necessity to add anything to it. I will only say that my noble Friend is preparing a Despatch upon the subject, which will shortly be sent to the Government of India.

THE ROYAL WEDDING.

MR. A. J. BALFOUR (Manchester, E.): I should like to ask the Prime Minister a question, but, if he would prefer it, I will give him notice of it. I wish to ask whether the Government intend to make any arrangement for the representation of this House at the Royal wedding, and whether Mr. Speaker is to be requested to attend officially on behalf of the House?

MR. W. E. GLADSTONE : I should be glad to have notice of that question.

THE FINANCIAL CLAUSES.

MR. GOSCHEN (St. George's, Hanover Square): I beg to ask the Chancellor of the Exchequer whether he will, for the convenience of the House, consider whether he can present another form of Return such as that moved for by my right hon. Friend the Member for Cambridge University, showing the percentages that will be contributed towards the Revenue by Great Britain and Ireland, and giving those figures which have been discovered to be the correct figures? I think it would be for the convenience of the Committee and would facilitate the Debate if every person used the same figures?

SIR W. HARCOURT : I will inquire and give the right hon. Gentleman an answer to-morrow. I understand he wants it in the form of the Paper on Financial Relations.

MR. GOSCHEN : The Return asked for by the right hon. Gentleman the Member for the University of Cambridge showed the latest percentage, taking all the various calculations of Excise and Customs; and I would suggest, if it could be done without much trouble and expense, that the latest Returns should all be corrected so as to show the true figures.

SIR W. HARCOURT : If the right hon. Gentleman will let me have a memorandum in writing showing exactly what he wants I will give him an answer to-morrow.

MR. BRODRICK (Surrey, Guildford): Will the right hon. Gentleman give directions that all the Papers dealing with these figures shall be circulated with the Votes. By some misapprehension the important Papers presented last Friday night have never been circulated, and there has been only a limited number of copies at the Vote Office.

SIR W. HARCOURT : I will inquire into that.

THE AMENDED CLAUSES.

MR. BARTLEY (Islington, N.): Will the Prime Minister be kind enough to have reprinted the clauses of the Home Rule Bill which we have passed?

MR. W. E. GLADSTONE : I think it would be for the convenience of the House that that should be done.

BALLOTING AND NOTICE-GIVING.

MAJOR RASCH : I desire, Mr. Speaker, to ask your ruling on the following point. On Friday night last I obtained first place in the ballot, and had intended to make use of it to call attention to the question of agricultural depression; but after giving public Notice I accidentally omitted to hand in a written Notice until two days afterwards. I wish to know whether, on that account, I lose precedence on July 7?

MR. J. E. ELLIS (Notts., Rushcliffe): Perhaps I may be allowed to explain that on Monday night I noticed that there was no Motion down for Friday, July 7, and I therefore placed my own name on the Notice Paper on the Table. I had no intention of taking advantage of the hon. and gallant Gentleman.

***MR. SPEAKER :** The hon. and gallant Gentleman only gave public Notice of his Motion, and it is obviously necessary to hand in a Notice in writing to the Clerk at the Table. Not having done so, I am afraid the hon. and gallant Gentleman loses his precedence. Of course, the hon. Gentleman the Member for Nottinghamshire was entitled, under the circumstances, to put his Notice down.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 14th June.*]

[TWENTY-FIRST NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 4 (Restrictions on powers of Irish Legislature).

SIR T. LEA (Londonderry, S.) said, he desired to move an Amendment with the object of preventing the Irish Legislature from passing any law,

"Whereby there shall be any increased use of the Irish language in lieu of English in national schools, courts of law, or other places where public money is expended."

He said, he had found it quite impossible and contrary to the Rules to try and get a clear understanding on some of the points contained in the Bill by putting questions in the House, and he was, therefore, compelled to raise them on Amendments. He might be told that it was not likely that this question of the Irish language would ever be raised in the Irish Parliament; but he could conceive that such a proposal as that against which his Amendment was aimed might meet with the approval of a Nationalist Party, for they had had an indication of that in a question put the other day by the hon. Member for North Louth, as to whether it would be an offence under the Highways Act if the name of the owner of a cart were printed on the vehicle in Irish instead of in English. It might possibly be argued—"We have our own National Parliament, why should we not have our own National language?" All he asked was that if the Parliament had power to adopt the Irish language the English-speaking population should not be compelled to pay for it. What he objected to was giving an Irish Parliament power to compel the use of the Irish language in parts of Ireland where English was always spoken. He had been in Land Courts in the West of Ireland with no one but the officials and the priest—in one case it was the celebrated Father McFadden (who, whatever might be said of him, did look after the material welfare of his flock)—who were able to speak Eng-

lish. At the present moment in Irish schools the Irish language was optional, and the Education Commissioners reported, as an evidence of the desire for the revival of that language, that of the teachers, who had gone up for examination in special subjects 13 were candidates in Irish and only two in Greek. Some people would say—"The Irish language is dying out; why, therefore, consider the matter?" But Statistical Returns would convey a different idea. No doubt the number of those who spoke only Irish was diminishing; but the Census Returns showed that a large increase was taking place in those who spoke both Irish and English. From 1871 to 1881 there had been an increase of 171,000 in the number of those who could speak both languages. In County Galway 58 per cent. of the people were acquainted with Irish, and in County Mayo 50 per cent. He submitted, therefore, that this point was an important one, and that if the Government did not wish to see Irish recognised as the language of the future in Ireland they should say so in the Bill.

Amendment proposed,

In page 2, after line 29, to insert, "(5) Whereby there shall be any increased use of the Irish language in lieu of English in national schools, courts of law, or other places where public money is expended; or."—(*Sir T. Lea.*)

Question proposed, "That those words be there inserted."

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): I certainly think that with Amendments like this we are getting down to the dregs of triviality. The hon. Member says he has raised what is really an important point, and he gives a number of figures, interesting enough in their own place, to show how many people speak Irish only, and how many are bi-lingual and speak both English and Irish. These are interesting matters, but they are considerations not for this Parliament, but for the Irish Legislature. If there is a matter which is exclusively Irish I should think it is the use of the Irish language. One of the most ingenious arguments of the hon. Member was that if the Irish Parliament were allowed an increasing use of the Irish language it would encourage the Welsh in their desires in that direction. I cannot imagine an Amendment which

requires less of an answer. I would point out to the hon. Gentleman that in our Education Act we sanction the use of French in the schools of the Channel Islands, and we sanction the use of Welsh in Welsh schools. Nobody who knows anything about the subject will deny that Irish literature is a thing worth preserving; but to bring us down from that high region to a common, practical level—take the case of a gaol with Irish-speaking prisoners—which is possible enough, say in County Donegal—is it not to be permitted to appoint an Irish-speaking chaplain? But I really will not go more fully into the matter.

MR. A. J. BALFOUR (Manchester, E.): I think that with the general object the hon. Member for Londonderry has in view all sides of the House will sympathise. I, at all events, have always held the view that, however much may be said for the continued scholarly study of the various branches of the Celtic language, it is not expedient, in the interests of the people concerned, that a check should be thrown in the way of any of Her Majesty's subjects speaking English as their own mother tongue. There are, perhaps, parts of the United Kingdom where that truth—if it be a truth—has not been adequately learnt; but I confess, so far as I was able to observe in Ireland, when I was responsible for the administration of the country, that though there may have been gentlemen representing Ireland below the Gangway who desired to see Irish revived, there is no general wish, on the part either of gentlemen from Ireland or of those they represent, to substitute Irish for English in the ordinary concerns of life, either as an instrument of education or as an instrument for carrying on business. I hope Irish may always be studied, as it has an antiquarian interest. I hope it may be studied for the purpose of keeping alive the memory of interesting antiquities, which can only be studied through the medium of the Irish language; but I do not think the danger the hon. Baronet contemplates is a real one, and, if it were, I am for once forced to agree with the right hon. Gentleman opposite, and to say it is a matter which is not likely to be injurious to the loyal minority in Ireland, or to Imperial interests. I am, on the whole, not dis-

posed to think that this is a question on which it would be worth while for this House to attempt to make any serious curtailment of the privileges and powers of an Irish Parliament. I hope, under the circumstances, that the hon. Baronet, while he will not understand me as taking exception to the general policy of his proposal, will, at any rate, not put the Committee to the trouble of dividing.

MR. SEXTON (Kerry, N.): I think the hon. Baronet must have felt that the delicate sarcasm of the Leader of the Opposition is even more painful than the direct invective of the Chief Secretary for Ireland. Out of every 130 persons in Ireland one person speaks Irish, and the hon. Baronet's theory is that the other 129 people will take to the study of Irish for the purpose of holding communication with that one individual, and will, at the same time, give up the study of English, or endeavour to rid themselves of the knowledge of English, so that they cannot hold communication with the main body of the community and the world at large. Frivolous, extremely frivolous, as this Amendment is, I am not sorry that it has been moved. It is an excellent object lesson for the people of England, as a type of the kind of danger which the Unionist imagination engenders in the Unionist mind.

COMMANDER BETHELL (York, E.R., Holderness) said, that the policy the hon. Baronet wished to provide against had been adopted by Russia in Finland, and, he thought, Poland. This was by no means a trivial matter; and if the hon. Baronet divided he should vote with him.

SIR T. LEA said, his object had been to extract from the Government an expression of opinion on this subject, and, having attained that object, he would ask leave to withdraw the Amendment. ["No, no!"]

Question put, and negatived.

*MR. BARTLEY (Islington, N.) said, he wished to move to leave out Sub-section 5. This sub-section was not in the Bill of 1886; therefore it was evident that it had been put in for some special purpose. It was an imitation of the American Constitution, and it evidently originated from the Chancellor of the Duchy of Lancaster, who, since 1886, had been very assiduous in the study of

the American Constitution. The right hon. Gentleman the Chancellor of the Duchy wished, he supposed, to see the American system of jurisprudence and of Magistrates introduced into England, and he wished to see the words of Sub-section 5 introduced into the Bill, namely—

"The power of the Irish Legislature shall not extend to the making of any law whereby any person may be deprived of life, liberty, or property, without due process of law, or may be deemed the equal protection of the laws, or whereby private property may be taken without just compensation."

In considering this they might leave out of mind altogether the words "due process of law." Nobody seemed to understand what they really meant. No American lawyer had yet been able absolutely to tell how much they embraced; therefore, he thought they might consider that they were really going to enact in the Bill that the Irish Legislature should not deprive any person of life, liberty, or property. In these Debates the idea had been continually brought before the Committee of confidence and want of confidence in the Irish people. The Prime Minister and the Chief Secretary had continually referred to this, and the Attorney General had done the same yesterday. But he (Mr. Bartley) would ask whether anything could show greater distrust of the Irish Legislature they were about to create than the words of this sub-section? Was there a single Amendment moved by the opponents of the Bill which could come within a measurable distance of the indictment of want of confidence in the Irish people of a clause declaring that the Irish Legislature should not be able to deprive any person of life, liberty, or property? He could not think that this meant anything else than enacting that this new Legislature should not kill nor steal. It indicated, to his mind, a total distrust of the Irish Legislature. Did the Government think that Legislature would be likely to deprive anybody of life, liberty, or property, without due process of law? If they thought so, it was criminal on their part to give them Home Rule at all. He was surprised to see the Irish Members accept the sub-section—he was astonished that they did not resent it as an insult. It would be an insult to a boy going to school if they

were to tell him that he was not to steal. If the Government thought the Irish Legislature was going to be fairly reasonable and honest they had no business at all to put these words in the Bill. There were many persons in the House who did not believe in this Irish Legislature, and who had a strong suspicion that it would not be fair to the loyal minority—that, judging from past events, it would be tyrannical. But what was the use of this sub-section as a safeguard? Let him read a passage from Lecky in an article written by him on this very subject. He wrote—

"Place at the head of affairs men who have for years been the preachers of anarchy, and, whether they wish it or not, all the elements of anarchy will be inevitably let loose. Give the power of the police to disloyal and dishonest men, who wish to confiscate and not to protect property, and no paper guarantees will be of the smallest value. What importance can be attached to the provision that no one may be deprived of property without due process of law and just compensation, when the very danger to be feared is unjust legislation, and when it is left to the teachers of spoliation to define compensation."

It seemed to him (Mr. Bartley) that to tell the members of the National League and the Land League and the Plan of Campaign and boycotters that they were not to deprive persons of life, liberty, or property, without due process of law, and at the same time to give them the power to make the laws, was merely at best throwing dust in the eyes of the people of this country, in order to make them think that they were safeguarding the interests that might suffer. He had referred to the words "without due process of law." Everybody admitted that those words were practically incomprehensible—that they had never yet been understood; that they were not understood; and that they had never yet been defined by any competent legal tribunal. But, whether they were understood or not, the fact remained that the Irish Legislature was to make the law. Practically speaking, therefore, it came to this: that the makers of the law would be the interpreters of the law in these matters. They would be like the captain on board ship, who, if it was not eight bells, made it eight bells. The Government would leave the decision as to what would be due process of law to the people who might want to evade the due process of law.

Mr. Bartley

If the Irish Legislature at any time wanted to deprive anyone of life, liberty, or property in spite of this clause, they could make any process they liked "due process of law," and in that way comply absolutely with the Statute. Therefore, he held that putting in these words was really a sham and a farce, and, for all practical purposes, a cruel joke on the loyal minority in Ireland. Again, there was a very significant change in the words of the Bill as compared with those of the American Constitution. In the American Constitution there were several words which were not in this sub-section, and the fact was very suggestive. The sub-section said—

"Or whereby private property may be taken without just compensation."

But the American Constitution had three additional words. It said—

"Whereby private property may be taken for public use without just compensation."

That seemed to him to throw a good deal of side light on the whole position. It was clear that in America the idea of taking private property for any purpose except public use was practically considered an impossibility. But America, on the other hand, had an important clause in its Constitution forbidding the passing of any law to impair the obligation of contracts, which was closely allied to this subject. For some reason or other those words had been left out of the Bill. Looking at the care which had been displayed in the framing of this measure, and looking at the number of years that had been devoted to it, he could not think that those words had been omitted altogether by accident, and it seemed to him clear that the Government were afraid that there was a possible danger of the Irish Legislature even being guilty of taking private property for private purposes without giving just compensation. The sub-section, however it was looked at, seemed to him objectionable. For those who believed in the honesty of the proposed Irish Legislature, it seemed to him that it was an insult to put these words in the Bill; and he did not think they ought to be supported by anyone except those who really and truly (as the Unionist Party had been accused of doing) believed that the Irish Legislature would be impassioned by evil. But if they believed in the honesty

and fairness of the Irish Legislature, they were simply enacting a farce altogether in laying down that that Legislature was not to do things which, according to the ordinary common laws of morality, it would be taken for granted they would not do. If the loyal minority in Ireland had to depend on the safeguards in the clause, that minority would be in a very poor and miserable position. Therefore, although he did not profess to think that the measure would ever do much good, he believed it would do more harm than good if it was full of these restrictions. Feeling sure, as he did, that as soon as the Irish people had a Government they would set to work to get rid of these restrictions and insulting insinuations, he urged that these words should be omitted.

Amendment proposed, to leave out Sub-section 5.—(*Mr. Bartley.*)

Question proposed, "That the word 'Whereby' stand part of the Clause."

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): If I desired to answer the first part of the hon. Member's speech I should do it by referring to the second part, and if I were to answer the second part I should do it by referring to the first part. One part was for unbounded confidence in the Irish Legislature, and the second part was an argument showing that the Irish Legislature—although I do not know how he knew it—would be composed of men who are the apostles of anarchy, and will be totally unfit to make laws for others. That is a fair equilibrium between the two parts of the speech, but I do not see how that determines the balance between them in such a manner as to warrant his moving the Amendment. I could understand either portion of the speech alone, but how to reconcile the two is certainly beyond any skill of mine. The hon. Member has not measured accurately the powers of the Irish Legislature, neither has he estimated the value of the words "due process of law." As regards the powers of the Irish Legislature, I distinctly understood the hon. Member to say that these words "due process of law" would be so interpreted by the Irish Legislature as to enable them to make their laws in such a way

as to place them in whatever relation they pleased to the phrase. But that is not so. These words being incorporated in the Act of Parliament become thereby a portion of the Magna Charta of the Irish Legislature, and cannot be abrogated by anything that the Irish Legislature may do. If their Acts are challenged in the Courts, the Courts, in view of this phrase, will have to determine the question whether they are law or whether they are not. The hon. Member very much underrates the value of the phrase. I do not say it has received—I do not say it can receive—an exhaustive legal interpretation; but it is a phrase that rests on authority of the utmost weight. The phrase was first promulgated by Lord Coke himself, and is an authentic rendering of a phrase in Magna Charta itself. It has been subjected, from time to time, to judicial interpretation, and it has been made the foundation of very important judicial decisions. I have no doubt that in the natural course of things it will continue so to be made the subject of decisions, and probably it will operate, as it has already operated, with great lucidity in securing a strict adherence to the rules of justice. The hon. Member stated that the sub-section is one insulting to the Irish nation. That contention, it seems to me, can be disposed of in two ways. In the first place, that view is not shared by those who represent Ireland and who are entitled to speak for Ireland; and in the next place—and this, if possible, is even weightier to my mind—the words of the sub-section, if not in absolute correspondence with words in the American Constitution bearing upon the several States of America. The States, it must be remembered, are Sovereign States, and have themselves delegated and given the authority by which this language is applied to them. If this had been the language simply of the Federal Government it would have been enough to say—"We know full well that no language of suspicion or disparagement would be used by the Federal Government with regard to the Sovereign States;" but it is not the language of the Federal Government. It is the language of the Amendment of the Constitution which rests on the authority of the several States. It is idle, under these circumstances, to say that

any disparagement can attach to the words in the sub-section, and we have satisfied ourselves, in the first instance, that they import no insult. I do not say I believe these words to be absolutely necessary. I am sick of repeating that our object in framing the Bill has been not altogether to use words which we conceive to be necessary, but to adopt language which is demanded from us by the apprehensions and jealousies of others when we believe that such language cannot be injurious. Having so inserted these words, unless some more valid reason is shown for their withdrawal than we have yet heard we must decline to accept the Amendment.

Mr. RENTOUL (Down, E.) said, that assuming with the Prime Minister that the Nationalists in Ireland were incapable of doing anything to injure the loyal minority let them regard Sub-section 5 as it stood before them. The Prime Minister had said these words were not insulting, because the Irish Nationalists did not consider them to be so. But the Irish Nationalists did not consider them insulting, because the right hon. Gentleman was himself responsible for them. Nothing could be an insult unless it was intended to be an insult, and clearly these words were not intended by the Prime Minister as an insult to his friends below the Gangway on the Opposition side of the House. But suppose this section had been proposed by someone not on terms of friendship with the Nationalist Party, would they not have regarded it as about the most insulting thing which could be put upon the Paper? That was not really the point. The matter that chiefly weighed with him was this. He had talked over the section with a large number of gentlemen who belonged to the legal profession, and without a single exception they declared they did not understand it, and had no idea of what was meant by it. The statement of the Prime Minister had not made the matter any more clear to him. Under these circumstances, he would ask the Attorney General whether it would not be possible for the Irish Legislature under the sub-section to pass a law prohibiting Party processions and providing that any person convicted of engaging in a Party procession should be imprisoned, say, for 12 months? This would not be depriving a person of his liberty without

due process of law, because the person would be tried before the Court in the usual way. Then, with regard to depriving persons of property, he would ask the Attorney General whether it would not be possible for the Irish Legislature to pass an enactment that the occupier of land should be the sole owner, and that if a person occupied land for a given term, say seven years, he should become *ipso facto* owner? These were cases which he thought were very likely to happen under the Irish Legislature. With regard to depriving persons of life, it was, of course, possible that the Irish Legislature might make sheep-stealing a capital offence. He did not think it was likely they would do so; but, at the same time, it would be possible under the sub-section as it stood. The Prime Minister said that very clear decisions had been given with regard to the words "without due process of law." The Attorney General well knew there was a statement made with regard to the Statute of Frauds that "every sentence of it was worth a ransom," and that someone had very properly replied to that statement, "and every sentence of it has cost a ransom." As a matter of fact, every line of the Statute of Frauds had cost at least a million of money in litigation. Did the Government want this Bill to be placed in the same position? Possibly the Attorney General might be able to make the matter a little more clear than the Prime Minister had done.

LORD R. CHURCHILL (Paddington, S.): I cannot see that in Sub-section 5 there can be anything insulting to any Party, of course including Members of the Irish Legislature; because the principles it embodies are the principles of elementary, constitutional, and executive morality—the principles on which every civilised Government carries on its affairs. Whether the clause goes quite far enough it is difficult to say. All I can say is that it might be added to so as to bring it within the limits of what I may call ordinary political executive common sense, without in the least giving Ireland cause to complaint or any reason to think that her interests are in any way injured. Of course, the source of the objection to the sub-section is naturally that it is borrowed almost entirely from the Constitution on which the Chancellor

of the Duchy (Mr. Bryce) has written some instructive and learned history. But there are other regulations of the United States bearing on those subjects which I think cannot have been omitted deliberately, and I am at a loss to imagine why any English statesman or any English historian who has studied the Constitution of a popular character should have omitted them. I take Section 1 of the added Articles of the United States Constitution, and I find it is practically contained in this section. It runs as follows:—

"Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction equal protection of the laws."

But the Government will find that in another part of the Constitution it is provided that no *ex post facto* laws shall be passed. That is a very important provision. There is no instance in modern times in our Parliament of *ex post facto* law, and I do not see why the prohibition of such legislation should apparently be excluded from Sub-section 5 of this clause. The Chancellor of the Duchy (Mr. Bryce), in a very interesting review of the United States Constitution, remarks that many State Constitutions provide that no *ex post facto* law and no law impairing the obligation of contracts would be passed by the States Legislature. I cannot believe that the omission of a provision of this kind is intentional on the part of the Government, and I cannot believe there can be any possible objection to the strengthening of the clause in this direction. A provision respecting *ex post facto* legislation is one which no Legislative Assembly can possibly object to. I want to ask whether some interpretation might be given to the words "due process of law" under the powers of the Irish Legislature? I hope I have not detained the Committee too long; but I think the points I have brought before them deserve a very clear explanation.

MR. W. E. GLADSTONE: I think that the question of omitting the sub-section hardly constitutes a proper opportunity for going into these questions. I have given the most distinct opinion upon the meaning of "due process of law." At the same time, the noble Lord is quite justified in wishing that my opinion should be restated or corrected by someone whose

authority is so much higher than mine. I think he will agree, however, that the point he has referred to ought to be raised on the wording of the sub-section.

*SIR A. ROLLIT (Islington, S.) said, he hoped time would not be unnecessarily occupied in the discussion of this Amendment. The sub-section had been described by the Mover as going too far; but the argument of the noble Lord the Member for Paddington (Lord R. Churchill) showed that it did not go far enough. That argument was, he (Sir A. Rollit) thought, entitled to consideration. The propriety of refraining from legislating *ex post facto* was recognised in all forms of jurisprudence. As to the argument which was founded upon the suggestion of insult, if it were a good one, much of the Bill and many of the Amendments came within the same description. It seemed, however, to be perfectly clear that the Irish Legislature was to be a subordinate body; and, therefore, it was necessary to limit the powers to be conferred upon it, and unless such limitation were clearly effected, there would be a very grave danger of the abuse—he did not use the term in the slightest degree offensively to Irish Members—of the powers conferred upon the subordinate Legislature. An hon. Member had contended that if the sub-section had passed in its present form the immediate occupier could, by an Act of the Irish Parliament, have conferred upon him the property of which he was the occupier. He (Sir A. Rollit) thought this was a wholly wrong and narrow interpretation of the term “property.” In one sense—and the term was somewhat ambiguous—the occupier had a property, but the reversioner was really the owner; and, therefore, to confiscate the reversionary interest would clearly be an invasion of the terms of the sub-section, which provided that private property might not be taken without compensation. If that were a true case, it illustrated the necessity for the existence of this provision in the Bill. He did not think it an insulting provision, but a proper constitutional principle, and one which, by the chief instance given, in relation to property, seemed to be called for.

MR. A. J. BALFOUR (Manchester, E.): I am disposed to agree with my hon. Friend who has just sat down that this is not an insulting provision. But what

we want to know, or what I understand my hon. Friend wants to know, is how the Government, with their peculiar principles and method of argument, and their contention that any limitation on the Irish Parliament is an insult—[Mr. W. E. GLADSTONE: No, no!]
—can reconcile that view with putting such a provision in the Bill? The right hon. Gentleman says he never said that. It is true he never laid down such a proposition. But we have over and over again suggested limitations to the power of the Irish Parliament far less extreme in their character, such as errors of the Irish Parliament—far less than those intended to be prevented by this section; and when we have suggested these limitations the right hon. Gentleman, in his most virtuous manner, has said we were showing ourselves unduly suspicious of the intentions and policy to be carried out by the Irish Legislature. How does the Prime Minister meet the argument that is advanced by my hon. Friend in moving this Amendment? He says—“Oh, it cannot be an insult, because it is similar in wording to a clause contained in the American Constitution, and that what the American Sovereign States agreed to submit to as a limitation of their authority cannot be an insult to apply to the Irish Parliament.” I think there is a good deal of force in that contention, but I also think it should be applied impartially. I recollect that the Government yesterday closed an Amendment, after half-an-hour’s discussion, upon the subject of attainder, and the Irish Members exhausted all their powers of interruption in order to express the absurdity of our suggesting any such Amendment and the insult they considered it to be to their people and their proposed Legislature. But acts of attainder are also among those powers which the Sovereign States of America gave up; and I cannot understand, therefore, why the right hon. Gentleman should not be a little more equitable and impartial in the application of his own principles, and why what is a good argument to-day at half-past 4 was not a good argument yesterday at 5 o’clock. Although the defence the Government made to this particular Amendment was not a very good defence, or very much in accord with their own principles, I am

disposed to advise my hon. Friend not to divide upon it for two reasons. In the first place, he probably thinks—in fact, he told us he does think—that the Irish Parliament is not one to which we can give unfettered power over the lives, liberty, and property of the minority, and he is anxious to see limitations imposed. He thinks the limitation is imperfect; so do I, and I think the important discussion which will be initiated when we begin to discuss the sub-section will show that it is; that the power here given to the Irish Legislature is much wider than that enjoyed by the American States, and that this so-called safeguard is no safeguard at all. In order to come to a detailed discussion on that point, and in order to get to the wording of that section and to what will be in all probability the most important Debate on the clause, I would venture to suggest to my hon. Friend that he should withdraw the Amendments and then we can proceed to a discussion on the wording of the sub-section. On the sub-section itself we can raise the various points we have to raise; and perhaps the gentleman responsible for the wording of it, the Chancellor of the Duchy, before we depart from the subject, will give us some general view of the principle which has animated him in making the somewhat arbitrary selection from the American Constitution which appears in these words; why he has omitted so much and put in so little, and in obedience to what broad and statesmanlike policy he has made the particular selection which he has made. When the right hon. Gentleman has given us that explanation I hope the Amendment will be withdrawn, and that then we shall proceed to discuss in a businesslike fashion the wording of the sub-section.

*MR. GIBSON BOWLES said, as the right hon. Gentleman had appealed to the Cæsar of the American Constitution to Cæsar he would—

Mr. W. E. Gladstone rose in his place and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The Committee divided :—Ayes 268 ; Noes 235.—(Div. List, No. 134.)

Question put accordingly, and agreed to

MR. MOWBRAY (Lancashire, Prestwich) moved the following Amendment :—

Page 2 line, 30, after "whereby," insert "the privileges or immunities of any of Her Majesty's subjects in the United Kingdom may be abridged, or whereby."

He said it would be a satisfaction to know that this could not be regarded as an insult on the Irish Benches, because it was taken almost *verbatim* from the same Amendment to the American Constitution to which this clause had already been referred, and in the American Constitution it came in in exactly the same place as he proposed to insert it here. The moving of this Amendment would give the draftsman an opportunity of explaining why he took parts of these amendments to the American Constitution and not other parts. The words in the American Constitution were—

"That no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States."

The closest analogy he had found to "citizens of the United States" was contained in the words "Her Majesty's subjects in the United Kingdom," which, they were told, was still to exist after this Bill passed—if ever it did pass—into law. He was not clear himself exactly what were the immunities or privileges of British subjects, and he should be very glad, indeed, to hear what they were from the Chancellor of the Duchy, and he should also be equally glad to hear what was meant by "due process of law." This amendment to the American Constitution was added to the Constitution for the purpose of affording protection to the coloured races in the Southern States after the close of the War of Secession, and it did seem to him that it was not too much to ask that House to provide at least as much security for the loyal minority in Ireland as the Americans provided for the coloured population in the American States after the war. He begged to move the Amendment.

Amendment proposed,

In page 2, line 30, after the word "whereby," to insert the words "the privileges or immunities of any of Her Majesty's subjects in the United Kingdom may be abridged, or whereby."
—(Mr. Mowbray.)

Question proposed, "That those words be there inserted."

*MR. GIBSON BOWLES thought the Russian proceeding they were just recovering from of the Closure being moved before a Member had begun his speech was not likely—[*Cries of "Order!"*]

THE CHAIRMAN said, the hon. Gentleman's reference was out of Order.

MR. GIBSON BOWLES: I will address myself to the Amendment—

MR. MAC NEILL: Briefly.

MR. GIBSON BOWLES: With that brevity to which I am accustomed. [*"Oh, oh!"*]

MR. BARTLEY: It is absolutely impossible for any hon. Member to proceed for the interruptions of the hon. Member (Mr. Mac Neill).

*MR. GIBSON BOWLES said, the Amendment proposed to save the privileges or immunities of any of Her Majesty's subjects in the United Kingdom by introducing them into this clause. He believed he was in Order in pointing out that this clause, which professed to be borrowed from the American Constitution, was borrowed so far as he could see from the wrong clause, which probably arose from a study of the wrong text books. The framers of the Bill had probably studied Bryce instead of Cooley. In Cooley he found that by the 5th Article of the American Constitution it was provided that no man should be deprived of life, liberty, or property, except by due process of law, or have his private property taken for public use without just compensation. That was passed in 1789. After close on a century's experience, namely in 1868, another Amendment—Article 14th—was passed, and he submitted that it was not to the 5th, but to the 14th, Article that the attention of the Government should have been addressed if they had intended to import any part of the American Constitution into the Bill. The 14th Article prohibited not merely the State Legislature, but the whole of the State from the top to the bottom—including all its officers, from interfering with the privileges and immunities of any citizen or from depriving any citizen of life, liberty, or property without due process of law, or from depriving any citizen of the due protection of the law. The sub-section of the Bill which the Committee were considering

solely and exclusively applied to the Legislature, and under it no State officer could be punished for, say, excluding a man from a jury because he was an Orangeman. He contended that the clause would be defective unless it were supplemented in another part of the Bill, which related to the Executive, by a provision prohibiting the Executive, as in the United States, from ill-doing contrary to law. The necessity for keeping the Executive in order was far greater than the necessity for keeping the Legislature in order. The Legislature was not at all likely to pass laws depriving any subject of the Queen of life, liberty, or property without due process of law—whatever that might mean; but he thought it was extremely likely that in Ireland, as in America, it would be found that race animosities, religious animosities, and other animosities might prevail to such an extent as to induce State officers to exceed their duty.

THE CHAIRMAN: I do not think the hon. Member is in Order. The only question here is a question of legislation, and this Amendment deals only with the Legislature.

*MR. GIBSON BOWLES said, he was pointing out that the privileges and immunities of the subject would not be sufficiently guarded unless the Amendment were introduced into the clause, and supplemented by another sub-section dealing with the Executive. But he would leave the Executive. The Opposition were constantly told that their Amendments—most of which were accepted—[*Laughter.*] If those who laughed would look at Clause 3 they would see that the greater part of it now consisted of Amendments. The Opposition were constantly told that their Amendments were animated by distrust of the Irish people. [*"Hear, hear!"*] He had thought that would have evoked a cheer. But let them look at the amount of distrust of the Irish people shown by the Bill. It showed a distrust that the Irish Legislature would fulfil even the very elementary principles of law, for here they were enacting that the Irish Legislature could not deprive a citizen of life, liberty, and property without due process of law. It distrusted the Irish Legislature in the appointment of the Judges, and it even distrusted them in their honesty by the

appointment of the Auditor General with power to stop their money. He would now ask the Committee what were the rights and privileges referred to? He was but a poor humble layman, but he had a few law books with him which might, perhaps, expedite the decision of the Committee in the matter of rights, privileges, and immunities. His opinion was that these rights, privileges, and immunities arose out of Common Law, which, according to Lord Stowell and Lord Coke, was uncontrolled even by Acts of Parliament. Cooley, in his work on the American Constitution, said these rights and privileges included the right to pass through or to reside in any part of the United States; the right to go to a foreign country; the right to claim and have the benefit of a writ of habeas corpus; the right to initiate and maintain any action at law of any kind; the right to hold and dispose of property; the right to use the navigable waters of the country without let or hindrance, subject to the regulations imposed for the common benefit of all navigators; and, finally, the right to claim protection in traversing the high seas. These were rights which were founded not upon Statute, but upon Common Law, and were the rights of all citizens of the United States. If there was any saving clause in the Bill saving to everyone the rights of Common Law, and all rights not interfered with by the Constitution, it would be unnecessary, perhaps, to move such an Amendment as this. But there was no such saving clause in the Bill. The peculiarity of the Bill was that it gave to the Irish Legislature power over everything that was not specifically withdrawn from it. It was, therefore, necessary to jealously scan the subjects enumerated in order to see that nothing of importance was left out. There was another point to which he wished to draw the attention of the Committee. Although the rights of a British subject in Ireland could be interfered with, the rights of a foreign resident in Ireland could not be interfered with, because their rights were protected by the Law of Nations; and the Law of Nations was incorporated with, and really formed a part of, the Common Law of the country, and, according to Lord Stowell, could not be touched by the British Parliament or any other Parliament. They would,

therefore, have this strange condition of things in Ireland under the Bill: that foreign residents would be in a far better position than British subjects. That, however, could hardly have been the intention of the Government, and he hoped, now that the omission had been pointed out to them, that they would insert in the Bill a provision to protect the Common Law rights, privileges and immunities of Her Majesty's subjects in Ireland.

MR. PARKER SMITH (Lanark, Partick) said the Prime Minister had stated that in this clause—

“They were not dealing with matters which it was intended to take out of the hands of the Irish Parliament, and put into the hands of the Imperial Parliament, but with matters which they conceived were to be excluded altogether from the field and purview of legislation whether by one Parliament or the other.”

That seemed to him to state in a satisfactory way what was intended by this clause. The clause was intended, practically, to be a statement of rights—a Bill of Rights, so to speak—by which the position of the subject under the Irish Parliament was to be determined. That seemed to him to be a perfectly right and a perfectly necessary part of any Home Rule Bill, and the only fault he had to find with it was that it was totally inadequate as it stood, and required extension. He should like to know why it was that the Government, having gone to the American Constitution and finding there their precedent, had left out of the clause too much that was essential. The words of the clause standing by themselves had extremely little meaning; whereas if the Government had followed them up in the way in which they were followed up in the American Constitution, by supplementary provisions, they would be of great value. He was glad one argument of the Government was gone—the argument that the Opposition in suggesting safeguards were insulting the Irish people. The Opposition were only laying down those large and general propositions which they thought should govern not only the Irish Parliament, but all Parliaments. That was a line that was more frequently adopted by foreign Parliaments than by the Imperial Parliament, for the good reason that the Imperial Parliament hitherto never had to write a Constitution, while foreign Parliaments had. When they brought the points of a Constitution within an

Act of Parliament it was necessary that they should specify principles that were hitherto left unwritten but generally accepted. The provision contained in the Amendment was one of the provisions that stood at the beginning of the Article of the American Constitution, from the latter part of which the sub-section of the Bill was taken. He would like to ask the Government why that provision also had not been included in the Bill. They should remember that this was a Constitution which, if fairly launched, was not a matter for a year or two, or for five years, to be renewed or amended when expedient; and that it was, therefore, their duty to frame a Constitution which would stand, as the American Constitution had stood, with but small changes, from generation to generation. This provision carried with it a vast number of rights and privileges which it was quite conceivable might be interfered with by the Irish Parliament. As they were enumerated by Story in his work on the American Constitution, they included protection by the Government; the enjoyment of life and liberty; the right to secure and possess property; the pursuit of happiness, subject to the restraints imposed for the general good; the right to pass through and reside in any State; the right of habeas corpus to maintain any action at law; to take and dispose of property; exemption from higher taxes than were paid by other citizens; and the exercise of the franchise as it was regulated by the laws and the Constitution of the State in which it was exercised. These were the rights, privileges, and immunities which he wished to see embodied as a fundamental part of the Irish Constitution. He would like to point out that it was not so very long ago in the history of this country when a provision of the kind was almost necessary. He referred to the time when there was a most bitter feeling in this country against Scotchmen; when ridicule was the part of a Scotchman, and when there was every chance and possibility of legal disabilities being imposed upon Scotchmen. It might, for instance, be proposed in Ireland that a law should be passed that no man should vote unless he were born in Ireland, or of Irish parentage; or that no man should hold land who had not resided for so many years in Ireland.

Mr. Parker Smith

There were hundreds of ways in which the fair and equal treatment of British and Irish subjects might be evaded in Ireland under the Bill; and if it were evaded in Ireland, it would inevitably lead to reprisals in this country. The provisions suggested by the Amendment were not only contained in the Federal Constitution of the United States, but also in nearly all, if not all, the State Constitutions. For instance, in the Constitution of the State of California, which the Chancellor of the Duchy described as a typical State, the first Article enacted that no privilege or immunity should be granted to any citizen which was not in the same terms granted to all citizens. The lessons to be learned from the history of the American Constitution was that it was foolish to leave any matter vague and uncertain. There was only one point left vague and uncertain in the American Constitution—that was the question of slavery; and, as they all knew, the settlement of that question cost a terrible war. He hoped the Government would be willing to extend their view to the Bill of Rights, and would be willing to agree to a great many of those large American provisions.

Mr. CARSON (Dublin University): I desire to say a few words as to this Amendment. In the first place, we are entitled to some answer on the part of the Government as to why they thought it right, in framing this Constitution for Ireland, to commence this 5th sub-section with the middle of a sentence in the American Constitution, and purposely to leave out the words which the hon. Member proposes to insert by this Amendment. When these words are purposely left out we are entitled to some explanation, and to look upon the conduct of the Government with some suspicion in relation to these particular matters. The Government may say these are very general words, but I cannot conceive for a moment that that is the reason they have not put them in. They are not more general than the words which follow—

“Whereby any person may be deprived of life, liberty, or property without due process of law,”—

whatever that means—

“or may be denied the equal protection of the laws.”

Therefore, I cannot for a moment conceive that it is because the words are considered too general that the Government have refused to insert them in the Bill. What, then, is the reason the Government have omitted these words? Is it because they mean to give to the Irish Parliament a power to abrogate from and take from the privileges and immunities of Her Majesty's subjects in the United Kingdom? Is that their object? Is it because they deem it an insult to the Irish Government? It may be very difficult to define what these privileges and immunities are; I admit they are very general words, but you cannot leave out of your consideration that while these were not originally in the American Constitution at the time the American Constitution was first framed, they were inserted in 1866; that the Americans themselves thought it necessary to amend their Constitution, and put in these very words you propose to leave out of the Irish Constitution. The hon. Member who last spoke has given us a number of instances to show that these words deal with the fundamental rights of citizens of the United Kingdom. He has quoted a vast number of them, and we want to know are these different matters that he has gone into in detail in the hands of an Irish Parliament to be abrogated if the Irish Parliament so will? I do not for a moment say wilfully abrogated or with a view to do any wrong; but if there are Acts of Parliament passed to interfere with these fundamental rights, whether intentional or unintentional, are the Irish Parliament to be at liberty to pass them, and are we not to have the safeguard given to us which was thought essential in America after a number of years? We are entitled to some answer from the Government why the words were omitted, and we are entitled to look with suspicion upon the Government's intention when we find one portion of a sentence taken and another portion not included.

VISCOUNT WOLMER (Edinburgh, W.): I should like to ask one question on Sub-section 5 of this clause—as it at present stands. Will the Irish Legislature be precluded from either suspending the Habeas Corpus Act or abolishing trial by jury?

*THE ATTORNEY GENERAL (Sir C. RUSSELL, Hackney, S.): A little

time ago two appeals were made to me personally, one by my hon. and learned Friend the Member for Down (Mr. Rentoul) and another by the noble Lord the Member for Paddington (Lord R. Churchill), who is not now in his place. Both those questions were addressed to eliciting the view the Government entertained as to the meaning and effect of the words in one of these clauses, "due process of law." I do not wish to appear to have forgotten those appeals, but I think my hon. and learned Friend will see the answer can be more appropriately given when the Amendment is reached that is addressed to that particular point—I have not forgotten the appeal, and will recur to it at a later moment. We are asked by right hon. Gentlemen opposite, by this Amendment, to insert a further exception in Clause 4, so that the powers of the Irish Legislature shall not extend to the making of any law whereby "the privileges or immunities of any of Her Majesty's subjects in the United Kingdom may be abridged." Let me remind the Committee that there is one overruling provision in this Bill which governs the whole of its provisions; it is Section 2, which limits the powers of the Irish Legislative Body to—

"Make laws for the peace, order, and good government of Ireland in respect to matters exclusively relating to Ireland or to some part thereof."

That is the first point to which I wish to call the attention of the Committee, but the more material question is this—what are the immunities and what are the privileges which hon. Gentlemen suggest are not already protected by Clause 4, Sub-clause 5, as it now stands? We have had several speeches more or less interesting upon this subject. There is the speech of the hon. Gentleman opposite who has taken a very hasty dip into the American Constitution, and has culled a few passages that have not a very close connection with the subject we are discussing. He has given us some instances, and the hon. Gentleman who has just sat down has given the same instances which he has read from Story's work upon the American Constitution. What are those instances?—and I will ask him while I am reading them to ask himself this question, whether there is one that does

not touch life, or liberty, or property ; and if there is any of them that does not touch any of those three subjects, will he intimate which they are ? [Here the right hon. Gentleman read the passages he referred to.] Is there any one of those that is not dealt with by one or other of these clauses ? Let me remind the Committee, first, that this Sub-clause 5 prohibits any Act of the Irish Legislature extending to the deprivation of "life, liberty, or property without due process of law." It extends also to "the equal protection of the laws," and it would extend to the taking of private property without just compensation. The hon. and learned Gentleman the Member for the University of Dublin suggests there was some very grave reason which induced the Government not to put in these words. The reason was the Government believed the words in the clause are sufficient. As the hon. Member for Partick (Mr. Parker Smith) has said, the words are very general and very wide in their application. We do not think these words proposed to be introduced would add anything whatever to the strength of the clause, and I have heard nothing to induce me to change my mind on that subject. The hon. Member for the Dublin University gave the illustration of the right to apply for habeas corpus. That would be a matter generally affecting the liberty of the subject.

VISCOUNT WOLMER : And the suspension of the Habeas Corpus Act.

*SIR C. RUSSELL : That is another point referred to in another Amendment. And, lastly, the hon. Gentleman opposite gave the illustration of the right of navigating on the high seas.

MR. GIBSON BOWLES (Lynn Regis) said he gave two illustrations in regard to that—one was the right to navigate Irish waters, and the other was the claim of protection from the Government when on the high seas.

SIR C. RUSSELL : The whole subject of navigation is excluded.

*MR. GIBSON BOWLES said, he referred to inland navigation.

*SIR C. RUSSELL : As regards the question of suspending the Habeas Corpus Act, there are cases in which it would be in their power, and cases where it would not be. I shall have something to say on that subject when the Com-

mittee come to discuss the words "due process of law."

MR. CARSON : I must say I consider the answer given entirely unsatisfactory. His whole answer comes to this, that the subsequent words of the section provide for every conceivable case. At all events, the American jurists who framed that Amendment did not think so, because they have all the subsequent words and these words in addition which we propose to put in, and which were left out for some purpose that has not been explained. The hon. and learned Gentleman has been asked as to whether he finds in the subsequent portion that is adopted or in this sub-clause the right to acquire and possess property ? I should like to know what words in that sub-clause confer that right or take away the right of legislating so as to prevent it ? It occurs to me that depriving a man of property without due process of law is entirely different to allowing a man to acquire and possess property. Where are the words that provide for this particular matter that will be covered by the Amendment ? None of the writers on the American Constitution have looked on this as a trivial matter. I find that Story gives a number of instances of privileges and immunities, and amongst them—

"The right to acquire and possess property, the right to pursue a lawful employment in a lawful manner."

SIR C. RUSSELL : I read that.

MR. CARSON : Yes ; but where in the clause is that provided for ? I must say I think the Committee would do well to press for some answer why these words are omitted. If everything in it is covered by the subsequent portion, and as it will do no harm, surely it is not too much to ask that you should introduce the other portion which writers on the American Constitution consider of great importance.

MR. J. CHAMBERLAIN (Birmingham, W.) : I cannot help thinking that a good deal of light would be thrown on this discussion if the Chancellor of the Duchy (Mr. Bryce) would condescend to answer the question addressed to him. Perhaps we are wrong in assuming he has had anything to do with this provision, but he is known to be a great authority upon American law ; and if he deliberately inserted this portion of a section from the American Constitution, and at the same time he deliberately

omitted other portions, he must have had some good reason, and if he would tell that to the Committee he might bring conviction to our minds. At present the only answer that has been vouchsafed is that the Government knew better than the jurists who framed the American Constitution. I recollect a short time ago a most eloquent passage in a speech of my right hon. Friend, in which he expressed his high admiration both for the American Constitution, as a great and enduring instrument, and for the framers of that Constitution, and he said that it had secured the increasing admiration of successive generations. It now appears there are some Members of the Government who think they can improve on that astounding monument of skill in Constitutional legislation. The argument of the Attorney General is that the proposal is entirely unnecessary, because it is impossible for us to conceive anything that is not covered by their subsection. Already one or two questions have been put, and I should like to ask one or two more. If it be the fact that Sub-section 5 covers every conceivable kind of rights, immunities, and privileges, why do the Government put in Sub-section 7, which provides for equal rights in fisheries? I think the Government themselves may be quoted as acquiescing that at all events this Sub-section 5 is not so omnipresent as they assume. There are many other questions; there is this question of habeas corpus. The Attorney General says that is covered by the fact you cannot deal with "life, liberty, and property without due process of law." I suppose legislation suspending the habeas corpus would be due process of law. Does he mean to say the Irish Legislature would not have that power under this Bill of suspending the Habeas Corpus Act? If so, we should like to hear it. Hitherto we have understood they would have that power, and the Amendment would increase the restriction upon that Legislature. Then the Amendment in the American Constitution was introduced chiefly to protect the negro population in the Southern States; it was to secure them equal rights with the white population. I will not make invidious comparisons; but it is perfectly evident that, where there is a minority or a section that is

weaker than any other section, some provisions securing equal treatment are peremptorily required. Among the rights, immunities, or privileges this Amendment intends to secure are the rights of equal franchise. I would like to know whether, under Sub-section 5 of this Bill, it would be impossible for the Irish Legislature so to alter the electoral arrangements as to shut out one class or section of the population. By a subsequent clause they are given power to make alterations in the electoral arrangements; and I am certain, if they are possessed with that desire to do an injustice, there is nothing in the Bill, as it stands, to prevent them. Again, is the Attorney General confident that the right of equal treatment in candidature for Office will be secured under this Bill to all Her Majesty's subjects? Is it clear that, just as in some foreign countries special provisions have been made against the Jews, that special provisions may not be made—taking the illustrations of my hon. Friend behind me—against Scotchmen, or some other nationality, to prevent them from being candidates for Office under the Irish Legislature, or in connection with any Irish public work? And, lastly, I would ask the hon. and learned Gentleman this question: Does he consider that Sub-section 5 reserves the right to a jury trial? Would he kindly say?

SIR C. RUSSELL: Not in all cases.

MR. J. CHAMBERLAIN: Then I would like to know whether the addition of this Amendment would not preserve it, and whether, as a matter of fact, this and many other things, to which reference has been made, are not excluded from the perview of Sub-section 5, and which would be included if this Amendment were adopted? I do not think the Committee is in a right position to go to a Division until it has heard from some Member of the Government what has been the true reason why this amendment of the American Constitution has been excluded.

THE CHANCELLOR OF THE DUCHY OF LANCASTER (MR. BRYCE, Aberdeen, S.): I think the matter is rather more simple than what the Committee might suppose. I will endeavour to answer the questions of the right hon. Gentleman the Member for Birmingham (Mr. J. Chamberlain), and I tell him shortly the real reason this

has not been introduced is because we think it was wholly unnecessary. I would also like to tell him that he must not suppose that any Member of the Government is more responsible than another for anything in the Bill which is submitted by the Government as a whole. I would like to mention that this Amendment was not necessary for the purposes of the American Constitution; but, in years after the Constitution was framed, it was introduced for the protection of the negroes in the Southern States. These words were not thought necessary in the earlier period of the Constitution, nor were they at all thought necessary but for the peculiar circumstances that arose, by which the negro was excluded from equal rights with the whites. We considered the points where protection was thought to be necessary, and we found two subjects with regard to which it was said unjust legislation was possible, and proper protection was needed; and, without supposing those conclusions were well-founded, we desired to meet them as far as possible. Those two were religion and property. We dealt with the supposed dangers to religious equality in the earlier sub-sections of the clause, and with regard to property we dealt with it in this sub-section, and we did not consider it necessary to go beyond those points. My right hon. Friend asks, "In that case, why did you introduce the provision with regard to sea fisheries?" I tell him I consider that provision is quite superfluous as it is covered by the words of the clause, but this is a question which has become, to some extent, a burning question—and, disputes having arisen, we thought, as it was a question exciting public notice, it was as well to take it out of the realm of Debate and curiosity; and that is the reason it was introduced. As regards the question put by another hon. Member as to the acquisition of property, we consider the question is amply covered by the clause; and with regard to the phrase, "equal protection of the laws," we consider that expression completely covers and prevents anything in the nature of discriminatory legislation. Any attempt to impose disabilities on some of Her Majesty's subjects for the supposed benefits of others would, in our mind, be contrary to this particular provision and,

Mr. Bryce

therefore, *ultra vires*. I put it to the Committee that the right way to interpret large and general words like these is to give them their widest application, and that is why the American Constitution has gone on well; the Judges give the full interpretation to expressions of this nature. I consider the sub-section is amply sufficient, taken along with the others, to cover every difficulty that has been raised. One word more, and I think I have answered all the questions put to me. I do not conceive this clause would necessarily protect trial by jury. It has not been so read in the United States, and they do not conceive it is necessary it should have that effect. We believe the Irish Legislature might find, as this Legislature has found, there are cases where it is not necessary to have trial by jury, and we do not think it necessary to put that under permanent protection. One point more on the parallel of the American Constitution, which has been brought up. A great deal of the point and force of that 14th Amendment resides in the last sentence. The point of that is this, that under an Amendment of this kind the Federal Legislature would have had no power to carry out the Articles by legislating over the heads of the States; and if there had not been such a provision the Federal Congress would have found itself unable to check such abuses as State legislation or action might produce. Now we are in no such difficulty. It is not necessary to confer any such power upon the Imperial Parliament; that power is retained, and the preservations which are suitable to the American Constitution are not required here.

*MR. MATTHEWS (Birmingham, E.): We have obtained from the right hon. Gentleman some interesting information upon what I might call the genesis of this clause. It seems that three subjects, and three only, were in the minds of the framers of the clause, two of them important—religion and property—and a third which hardly stands on the same level—fisheries. The right hon. Gentleman said that Article 14 applied only to the blacks. No doubt there are no blacks in Ireland, and no doubt Article 14 was primarily intended for the protection of blacks; but the right hon. Gentleman forget to tell the Committee that there is a similar provision

contained in Article 4 of the original Constitution, which says—

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

There is no question about blacks; Ireland will be one of the States of the Union and England will be another, and we are anxious that the Legislature which is to be set up with universal control over Irish affairs shall not be able to deprive English citizens when they go into Ireland of the privileges and immunities which Irish citizens may have. The right hon. Gentleman contended that all that this Amendment says or does has been already said or done by some other words in Clause 4. I take that as an admission that in substance the right hon. Gentleman has no objection to the Amendment. Does the right hon. Gentleman seriously contend that words which secure to everybody equal protection of the law are wide enough to carry equal rights to the acquisition of property? Surely the liberty of acquiring property is a privilege, and in no sense a right. There are also the privileges of residence, of carrying on trade. It cannot surely be said that all such privileges are covered by the words "entitled to equal protection of the law." Those words go this far, that they will prevent the opportunity of dealing differently with one set of traders to another. But they would not in the least confer the privilege of carrying on any other business that a man might desire to carry on if the Legislature thought fit to prohibit him. These are the cases which in America have been held to come under the words "privileges" and "immunities"—

"The right to acquire and possess property, the right to pursue a lawful employment in a lawful manner, and to be exempt from any higher taxes than those imposed on its own citizens, such privileges and immunities as belong to general citizenship, including the right to pass freely into and through any State for the purposes of commerce, trade, residence, &c."

Equal protection of the law means simply that all persons shall be alike shielded from injustice or from anything like cruel treatment in the conduct of the affairs of life. I do not desire to put the argument higher than this. If reasonable doubt can be raised as to the effect of the words of the clause, why should the Government object to the Amend-

ment? Surely you have conceded enough to the Irish Legislature. The right hon. Gentleman has now told the Committee that trial by jury is to be at the mercy of the Irish Legislature. The American Constitution has taken that discretion away, not only from the States, but from Congress itself. We are now told that it will be in the power of the Irish Legislature to do away with trial by jury, and that they might suspend or even repeal the Habeas Corpus Act, and they would have in their hands the whole subject of criminal procedure. Surely these concessions are large enough, and the Government need not grudge the minority the small protection asked for in this Amendment.

*MR. GIBSON BOWLES (Lynn Regis) rose to call the attention of the Attorney General to certain points he had put to him earlier in the Debate, and to certain privileges which he had contended would not be covered by the subsection, having reference to the rights of navigation in inland waters. The pursuance of one's lawful calling on the high seas was also not covered by the subsection as it stood, for the deprivation of that right, whether for a short time or for all time, could not be said to be a deprivation of life, liberty, or property.

SIR H. JAMES said, his right hon. Friend the Member for West Birmingham had pointed out that in the original Constitution of the United States, when the question of negro condition had not arisen, there was an Article providing that the citizens of each State should be entitled to all the privileges and immunities of the citizens of the several States. That provision was entirely left out of this Bill, and the argument of the Government was that they had left out these words because they were unnecessary, and because they were covered by the words "or may be denied the equal protection of the law." But privileges and immunities common to all inhabitants represented one thing, and the protection of the law another. If an Act were to be passed by the Irish Legislature that only Irish-born subjects should vote, that would deprive English-born subjects of equal privileges and immunities. That came within the original words of the Constitution of the United States, but it did not come within the Bill of the Government. Take,

again, the case of aliens. Before they were allowed to hold land they would receive equal protection from the law, but they would not have equal privileges and immunities. He could give instance after instance of this kind as to the distinction between the protection of the law and equal privileges and immunities under the law.

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar): I will answer very shortly the questions which have been put to the Government. The right hon. Gentleman pointed out that in the original Constitution of the United States there was a provision that the citizens of each State should be entitled to all the privileges and immunities in the several States. Why was that necessary? The several States were independent Sovereign Powers. They did not form the whole of one Kingdom or of one State, and again I must protest against the assumption which underlies all these Amendments, that Ireland is going to cease to be a part of the United Kingdom. You may say that in some senses it is a portion of the United Kingdom which is dealt with differently from the other parts of the United Kingdom; but it is not a State, and will not be a State apart from England. There will be no subjects of Her Majesty in Ireland in any other sense than that in which there are subjects of Her Majesty in England. For that purpose the words "who shall have the privileges and immunities" are not wanted; the words would be out of place, and they would give a wrong complexion to the Bill. It is not the fact that in the States the words "privileges and immunities" have any effect in preventing the States from making their own Franchise Laws. The right hon. Member for West Birmingham asked, how are you going to secure trial by jury, but does anyone intend that trial by jury shall be a right in all cases? "Due process of law" means process of law which is according to sound precedent; and therefore you do secure trial by jury in all those cases in which, according to the sound and general principles of our English Constitution, trial by jury has always been given. The right hon. Gentleman also asked whether there can be a suspension of the Habeas Corpus Act under the Bill as it stands. The answer is similar—

Sir H. James

there can be such a suspension of the Act as, when you look to the sound precedent in English history, has been the custom here; there cannot be a suspension of the Habeas Corpus Act under any other conditions. I will answer the hon. Member for King's Lynn by quoting from Mr. Cooley's *Constitutional Limitations*, wherein it is stated that the words "life, liberty, and property" are of the very widest character, the word "life" including limb, and the word "liberty" the right to the pursuit of happiness and the right to move about from place to place, including freedom of speech and of religious worship.

MR. COURTNEY (Cornwall, Bodmin) said, his hon. Friend had only dealt with the indiscriminate legislation of one State against another. The Government admitted the laws relative to fisheries, especially as to the power of indiscriminate legislation. The question his friend wished to press upon them was why they should refuse general words preventing this sort of legislation in respect of all matters.

*MR. HARRY FOSTER (Suffolk, Lowestoft) said, they had been told that this sub-section related to everything except fisheries; but the right hon. Gentleman the Member for West Birmingham had pointed out that some reasonable doubt might be supposed to exist upon the question. Not one single criticism on the part of the Government dealt with the Amendment. The only criticism that could be said to touch upon it was that of the Chancellor of the Duchy of Lancaster, and he (Mr. Foster) did not think it could be taken as an answer. They on the Opposition side thought there was some reasonable doubt, and they had pointed to various dangers which might be incurred without the insertion of these words, particularly in regard to indiscriminate legislation. They said that, as the section was drawn by the Government without these amending words, there was nothing to prevent the Irish Parliament from making English subjects aliens, or incapacitating them from holding land. They had a doubt upon that point. They said that these words were included in the American Constitution. It might not be necessary that such words should be inserted, according to the Government view; but the force

of the words in the American Constitution ought to be reasonably expressed. What he wished to put to the Government was that they had accepted Amendments in other cases from the Opposition Benches—not because they thought them necessary, but because there was a reasonable doubt in the minds of Members of the Opposition Party, and they wished to remove it. The Government had raised no objection to the wording of the Amendment, and no danger would be incurred by the acceptance of the words of the Amendment. He held there would be no inconvenience; and he, therefore, asked the Government to not trifle with time, or waste it in prolonging useless discussion, by saying at once that they would agree to the words which, not being inconvenient, and not in any sense disturbing the plan of the Bill, would be harmless, but would, at the same time, remove the doubt that existed on the part of the Members on the Opposition Benches.

Question put.

The Committee divided :—Ayes 208 ; Noes 249.—(Division List, No. 114.)

THE CHAIRMAN : The next Amendment in Order stands in the name of the hon. Member for St. Helen's (Mr. Seton-Karr).

MR. SETON-KARR rose to move in page 2, line 31, leave out "without due process of law." He said the object of the Amendment was to prevent the Irish Legislature from making any laws whereby any persons might be deprived of life, liberty, or property. Hon. Members below the Gangway and the Irish Members always said that they were not anxious to have the power to make such laws. [*Laughter from the Irish Benches.*] Did hon. Members deny that? [*Renewed laughter on the Irish Benches.*] Well, if they did not deny it, he did not see why they should object to this safeguard. Another reason, however, why he moved the Amendment was in order that he might elicit from the Government the meaning of those mysterious words, "by due process of law." The Government seemed very coy in stating their meaning, and he saw with great satisfaction that the Attorney General (Sir C. Russell) was present on the Treasury Bench, and

hoped they would have the benefit of his high authority as to the interpretation of the words. They had heard an explanation of the words from the Leader of the House (Mr. W. E. Gladstone); but, so far as he (Mr. Seton-Karr) was concerned, he was as wise when the right hon. Gentleman sat down as he was when he got up. The right hon. Gentleman told them that the Bill was a sort of Irish Magna Charta; but there were certain limits beyond which the Irish Parliament could not go, and that they were safe in relying on the construal of the Bill in that respect. The right hon. Gentleman the Member for Derby (Sir W. Harcourt) also told them that he was perfectly satisfied as to the meaning of the words. In the meantime, however, there were other opinions; and he (Mr. Seton-Karr) held one of them in his hand—that of Mr. Serjeant Campion, a distinguished Irish Queen's Counsel, who, being asked his opinion of the words by the Royal Dublin Society, said the meaning was the process of the law for the time being. This would mean that the Irish Legislature would be at liberty to alter the law in any way they liked. What was the due process now might not be the due process a few months hence. Surely, in these circumstances, they should have a clearer idea of the meaning of the words? They had heard a good deal about the American Constitution; but they had had it on good authority that this particular safeguard operated very badly in that Constitution. He might cite an instance in which, the Executive and the Federal Judges being in conflict, President Jackson had declared that one authority might execute its decrees if it could. They saw, therefore, that the Executive Authority could set aside decrees and so conflict with the Judicial Authority. He submitted the various points to the Government, and asked that they should define "due process of law." Could they not substitute some other words which would be of more value for the protection of the minority? As far as he was personally concerned he would not be disposed to press the Amendment, as he knew perfectly well that, if the Bill passed, the "process of law" would be interpreted by the sympathisers of the Irish Members in accordance with the ideas entertained by that (the Nationalist) Party;

and the lives, liberty, and property of the Loyalist minority would be placed under those gentlemen "by due process of law." At the same time, they were entitled to what he now asked—a full, accurate, and unmistakable declaration as to the meaning of the words in the Bill. If the Government would do that they would—he had hopes, at any rate, that they would—agree that his Amendment was a useful one.

Amendment proposed, in page 2, line 31, to leave out the words "without due process of law."—(*Mr. Seton-Karr.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

***SIR C. RUSSELL**: I do not think the hon. Member can realise the effect of the Amendment he has moved. We are entitled to read it in connection with Sub-clause 5, and, if we do so, we shall see how it would work. If the Amendment were adopted we should prevent the Irish Legislature from making any law dealing with capital punishment; any law dealing with the sending of offenders to prison—for the hon. Member will agree, I think, that that would be a restriction of liberty—or any law touching property. Well, if the Irish Legislature is not to make laws dealing with life, liberty, and property, there is nothing at all about which it should or could make laws. The Amendment, therefore, may be taken as a peg—

MR. SETON-KARR: I laid great stress on the fact that I wish to elicit an opinion.

SIR C. RUSSELL: Yes; the Amendment is merely a peg upon which to hang a discussion, and to secure an explanation from the Government as to the meaning which they attach to these words. This is a matter which I do not hesitate to say is one of some difficulty to define. I should be very sorry indeed to dogmatise in any way on the matter; but the phrase "due process of law" is one which has a very ancient history, and one which has had very important effect in judicial interpretation. Hon. Gentlemen opposite probably are quite aware that the words are, in fact, a translation by Lord Coke of the phrase in *Magna Charta per legem terræ*, which has been adopted and embodied in judicial decision. Now, if I

am asked whether I can define "due process of law," I would ask the Committee first of all to recollect what is involved in a dangerous attempt at definition. By a definition you are supposed to state exhaustively what the words mean, and to exclude all that you do not express. No Court has ever attempted a definition of the phrase. They have been able to draw a line, and say positively as to where a certain proceeding was in due process of law and where it was not; but there has never been, and I venture to say there never will be, any attempt, judicial or otherwise, to define accurately what "due process of law" means. That is not an exceptional instance in the history and application of phrases which have played an important part in judicial decisions. Let us take the word "fraud." There is no word which enters more largely or gives rise to greater difficulties in civil and sometimes also in criminal proceedings, and yet the Judges have never attempted, and very wisely never attempted, to define in any exhaustive fashion what is or what is not fraud. They have contented themselves with laying down certain broad general lines, and applying general principles to the circumstances of particular cases, and declaring whether the particular thing dealt with was fraud or not. Now, bearing that in mind, I would venture to suggest to the Committee that the words "due process of law" are to be regarded in this way: that due process of law is where the process of law follows settled principles of judicial procedure, or where such process follows sound precedent applicable to the subject-matter and the circumstances affecting it. It may be said that that does not bring us very much closer to an accurate interpretation, and I admit it. But I will now illustrate, if I may, by reference to the cases put by the hon. and learned Member for Down, where there would or would not be, according to the rule I have mentioned, due process of law. First of all, he said, would this be due process of law—could the Irish Legislative Body pass an Act making it a crime to take part in a Party procession, and impose a sentence of fine or imprisonment for the offence? My answer is, that certainly the Irish Legislature could, and that such imprisonment would be perfectly according to due process of law. The second

Mr. Seton-Karr

case is, Could the Irish Legislature pass an Act by which in one section they might say that from the day of the Act coming into force every occupier in Ireland should be the owner of the fee-simple of the land he occupied? My answer is that it could not. The one case is on one side of the line and the other is on the other. It could not for two reasons: In the first place, it would not be, and could not be, "due process of law" when the Act itself by its own force and initiation professes to operate, and there is no judicial machinery or proceeding at all. I need not trouble the Committee by referring again to the passage in the case to which I referred last night, which shows that this is so. Of course, in this Bill for the better government of Ireland there are ample provisions to render it impossible for such legislation as this to be passed by the Irish Legislature. The third case put by the hon. and learned Member also serves to illustrate the meaning he was endeavouring to explain. He said, "Would it be possible or not for the Irish Legislature to make sheep-stealing a capital offence punishable by death?" My answer is that it could make such a law; but if it went on to say that a Stipendiary Magistrate, or any inferior functionary of that kind, should on hearing the evidence order that capital offender to be hanged, that would not be in due process of law, because it would not be following settled, sound precedent applicable to the subject-matter there dealt with. Another case has been put with reference to the suspension of the Habeas Corpus Act. The Irish Legislative Body, I submit—though I am not attempting to dogmatise in the matter—would have the power to suspend that Act; but they could only suspend it in cases in which, according to established precedent, there was an emergency or a state of circumstances justifying the action. Then you may ask, "How are these points to be determined?" The Bill provides for it. This Bill is a written Constitution for the Irish people. It is the creation of the supreme Parliament. The powers delegated to the Irish Legislative Body will be found within the four corners of the Bill, when it becomes an Act, and, like the American Constitution which the Legislature have no power to exceed, or to enlarge, or even to interpret, the Irish Legislature will not be

able to interpret in its own sense what their powers are. It will be subject to judicial control, and if it exceeds its powers its Acts must be declared null and void. I have said all that at the moment occurs to me as necessary to say. The immediate point of the Amendment is the omission of these words altogether. I presume the hon. and learned Member does not intend to press his Amendment, but moves it with the view of eliciting some explanation from the Government. I admit that the words "due process of law" have not a very definite meaning, but they have an ancient meaning, and they are words of grave import, and the Government have deemed it proper to introduce them as a restriction.

MR. SETON-KARR asked whether the Government would consider the advisability of inserting some other phrase more intelligible to the lay mind?

SIR C. RUSSELL: The hon. and learned Gentleman's mind is not a lay mind. The hon. and learned Member must see that it is desirable to use words which could receive judicial interpretation, though I admit in this case not with perfect definiteness. These words have been interpreted with an approximation to definiteness.

MR. TOMLINSON (Preston) said, he gathered that it was intended that the Irish Legislature should act in these matters under circumstances similar to those in which the Imperial Parliament would act. It must be remembered that they were going to commit these powers to a Body on which the lay mind would predominate. Action might, therefore, be taken in a hurry, and the limits the Attorney General had pointed out might be transgressed. It seemed to him that the only satisfactory method of dealing with the case would be to add further words, and he would suggest the following:—

"Under circumstances similar to those, which would accord with precedents laid down in the Imperial Parliament."

MR. A. J. BALFOUR: We are extremely grateful for the interpretation of the words which the Attorney General has given, though it is to be regretted that that interpretation is tendered at a time when the Committee is less full than it has been during the evening. The next Amendment on the Paper is

that of the noble Lord the Member for Rochester, which is intended to give precision and clear definition to the views it is desired to express by the words "due process of law." I would ask, as a point of Order, whether the interpretation of the Attorney General can be fully discussed on that Amendment? If so, I would suggest the withdrawal of the present Amendment. If not, as the question is one of such vital importance, this Amendment will require a good deal of discussion.

THE CHAIRMAN : I think, on the whole, it will be competent for the Committee to consider the question on the other Amendment.

MR. SETON-KARR said, he had followed as closely as he could the statements of the Attorney General, but the hon. and learned Member had not told them what would happen in the event of the Irish Legislature passing a law to interfere with the life, liberty, or property of individuals. How under the Bill could the Irish Legislature be prevented from passing such a law? By the appellate jurisdiction of the Court of Exchequer or by the Judicial Committee of the Privy Council? If so, how would the decrees be enforced? Would the hon. and learned Gentleman accept these words to follow "due process of law"—namely, "as now existing"?

Question put, and negatived.

***MAJOR DARWIN** (Staffordshire, Lichfield) moved, in page 2, line 31, after "law," to insert "or by martial law." He said, it had been his duty as a soldier to look into the question of Martial Law. He need hardly remind the Committee that Martial Law and Military Law were two totally different things. By Military Law was meant the law which applied to all persons who were subject to military discipline, whilst by Martial Law was meant an arbitrary system of tribunals, established generally in times of trouble for the suppression of riots. After carefully considering the subject, he had come to the conclusion that nothing in the Bill would prevent the Irish Legislature from passing an Act to enforce Martial Law. But even if there was a doubt on the question, and it was hardly regarded as possible that the Irish Legislature might be able to establish Martial Law, he thought the Committee

ought to put an end to the doubt, and to shut out the possibility. He was not dealing with Martial Law, which might be proclaimed by the Viceroy of Ireland, but merely with the powers of the Irish Legislature. In order to settle the point it was necessary to get some sort of idea of what was the meaning of the term "due process of law." In the American Courts "due process of law" and "the law of the land" were used almost in identical terms.

THE CHAIRMAN pointed out that the hon. Member was not dealing with the Amendment of which he had given notice.

MAJOR DARWIN : The clause about "due process of law" could only mean that the Irish Legislature was to be prevented from passing certain laws. Did it exclude Martial Law—legalised Martial Law? Let them look to America. Mr. Story, on the American Constitution, had a Note saying—

"But legislation as such has never been admitted into the standing of due process."

"Without due process" and "law of the land" were, he was told, used indiscriminately. Mr. Daniel Webster, in the Dartmouth College case, before the Supreme Court of the United States, declared that—

"Everything that might pass under affirmation of enactment is not, therefore, to be considered the law of the land."

Could there be anything so confusing to the lay mind as that the Act of Parliament need not be the law of the land? Was there any reason to feel certain that British Judges would not call all Acts of this Legislature the law of the land, and, therefore, not excluded from due process? If so, the Irish Legislature could deal with Martial Law. But what did "due process" mean if they were to accept the American view? They were told on high authority that no definition was more often quoted than that of Mr. Webster, who, in the case just mentioned, said—

"By the law of the land is more clearly intended a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial. The meaning is that every citizen shall hold his life, liberty, and property under the protection of the general rules which govern society."

That was a very vague definition, but one which need not exclude Martial

Law. It might be said, however, that Martial Law was not bound by Rules of Evidence. Cooley, speaking of Rules of Evidence in connection with this subject, said—

“These and the like cases will sufficiently illustrate the general rule that the whole subject is under the control of the Legislature, which prescribes such rules for the trial . . . as in its judgment will most completely subserve the ends of justice;”

so that the Irish Legislature would have control, and could frame rules in relation to this subject. A friend of his in a Government office in Washington, to whom he had written, informed him that in a case (*ex parte* Milligan), the Chief Justice of the Supreme Court of the United States had defined Martial Law as—

“An authority called into action when the public danger requires it, on a locality or district not of an enemy's country, but of the United States, and maintaining adhesion to the general Government.”

Thus they were shown that the United States recognised Martial Law. Again, he was told, on the authority of his friend, that—

“Martial Law being acknowledged and recognised as a form of law, it follows that whatever may be properly done under its sanction is not to be done in disregard of the ‘law of the land’ or ‘due process of law.’”

So that Martial Law was not precluded from the operation of the law of the land. Cooley's *Constitutional Limitations* stated that—

“Those acts that are justified by Military or Martial Law are equally legal with those justified by the Common Law.”

It might be supposed that Martial Law and Military Law were here the same thing; but the same authority told them—

“In exceptional cases, however, Martial Law may be declared and enforced whenever the ordinary legal authorities are unable to maintain the public peace and suppress violence and outrage.”

And so it was that he argued there was nothing to prevent the Irish Legislature from dealing with Martial Law. It might be supposed that Martial Law must be administered by soldiers, and hence that it was excluded. This was an error. Judge Advocate General Sir

D. Dundas, before the Army Consolidation Commission in 1850, said—

“Martial Law comprises all persons, whether civil or military.”

They were told on the same high authority, replying as to whether tribunals under Martial Law must be presided over by soldiers, that—

“All good citizens were called in to take part with the power, which we will suppose a righteous power, in case of necessity.”

So that Martial Law was not excluded on this account. And, again, in De Hart's *Military Law* they read—

“Martial Law, when in force, is indiscriminately applied to all persons whatsoever within its jurisdiction;”

whereas Military Law was defined as

“A rule of government for persons in the Military Service only.”

The Irish Parliament could not deal with soldiers; but that need not prevent them from dealing with Martial Law—a phrase which was less vague than “due process of law.” But hon. Members might say that a system so repugnant should not be even negatively recognised in this Bill—that it could not be legalised by any Act, and need not be considered. On that point he would refer them to the Army Annual Act, which said that no man could be subjected, in time of peace, to any kind of punishment within this Realm by Martial Law. “Time of peace” was a vague expression. The Act declared expressly—

“And whereas no man can be forejudged of life or limb or subjected in time of peace to any kind of punishment within this Realm of Martial Law, or in any other manner than by the judgment of his peers and according to the known and established laws of this Realm.”

Well, the soldier was, according to law, on active service during the time of riot or disturbance; so that they would see that the expression “time of peace” was, as he had said, vague. It could not be held that Martial Law was excluded as a matter arising out of a state of war, if war meant war with a foreign State; but he did not think that war could fairly cover this case. He hoped hon. Members would agree that Martial Law ought to be consolidated. If they looked to colonial history, they had good evidence that it was perfectly competent for Colonial

Legislatures to legalise Martial Law. Lord Carnarvon, in 1867, whilst stating that it was entirely at variance with the spirit of English law, directed the Governors of Colonies to submit repealing Acts to Local Legislatures, which clearly showed that he thought Local Legislatures could legislate in reference to this question in the Colonies. Lord Chief Justice Cockburn, in the Jamaica case, said—

Now, nobody can deny for a moment the power of Parliament to enact that Martial Law shall be put in force."

And the same great Judge expressed a strong opinion as to the necessity for legislation if Martial Law were ever used; but no civilian, in his opinion, ought ever to be appointed a member of such a Court. Hence the only question as to who should legislate in this case. If the word "subordinate," as applied to the Irish Parliament, meant anything, this was assuredly a case for keeping the power in the hands of the Imperial Parliament. He acknowledged that the expression Martial Law was vague; but the question was whether they meant to exclude any system, whether called by that name or not, which departed so much from the ordinary law that Judges might consider it would be thus fairly described. There was an Irish Act passed—the 39th of George III.—which provided that after the passing of the Act it should be lawful for the Lord Lieutenant during the continuance of the Rebellion, whether the ordinary Courts of Justice were open or not, to issue orders to officers and others to try by Martial Law and punish those who might have done injury to the persons or property of His Majesty's loyal subjects by death or otherwise, and anything done in pursuance of such orders should not be questioned in any Court of Law. At that time the National Party in Ireland protested in the strongest manner against the passing of that Act. It was passed, however, by the Ascendancy Party, and all he wanted was to prevent the new Ascendancy Party from doing what the old Ascendancy Party had done. If hon. Members opposite said that they did not desire to legislate on Martial Law there was no reason why the power should be given them. He begged to move the Amendment.

Major Darwin

Amendment proposed,

In page 2, line 31, after the word "law," to insert the words "or by Martial Law."—(*Major Darwin*.)

Question proposed, "That those words be there inserted."

*SIR J. RIGBY: The Committee has listened to a most interesting Constitutional argument founded on an extraordinary fallacy. There is no branch of law called Martial Law. There is Military Law by which the Forces of the Crown are governed—the annual Army Act—but there is no such thing as a system of law called "Martial Law." Assuming that there might be in time of emergency a right on the part of Her Majesty's subjects to take up arms and use force in the repression of violence, that is not done by virtue of Martial Law at all. The only connection between that and the law is that any body of men who take upon themselves that grave responsibility must answer for their conduct and show that there has been a sufficient necessity compelling them to act in that way. However difficult it may be to get correct notions upon this subject into the minds of gentlemen who pick up their ideas at random, I would say that no man can tell the Committee that in "due process of law" can be included what is vulgarly, inaccurately, and incorrectly called "Martial Law," which means a reign of force brought about by an overpowering necessity, in which a good citizen might commit what, without that overpowering necessity, would be an illegal act. The Government object altogether to the introduction into the Bill of such an improper expression as "Martial Law," because, though it represents force, it is force which might, according to the circumstances, be justifiable from necessity, but never could be a matter of law.

SIR E. CLARKE (Plymouth) said, this Amendment had evidently provoked the Solicitor General to a militant mood; but in substance he was bound to agree with his hon. and learned Friend. He hoped the hon. and gallant Member would not insist upon putting an Amendment like this on the face of a great Statute. Martial Law had relation to Executive

power when the ordinary law proved ineffective, and it would be dangerous to put it on the face of a Statute of this kind.

MAJOR DARWIN asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

*MR. G. WYNDHAM (Dover) rose to move an Amendment which stood on the Paper in the name of Viscount Cranborne. The Amendment was—

Page 2, line 31, after "law," to insert "giving not less security than is given by the Common Law of Ireland, or by any Act of Parliament varying the Common Law."

He said that instead of "Ireland" in the Amendment, he would prefer the word "England," so that the words would run "the Common Law of England." [*Cries of "Leave out England!"*] He was quite willing. The Amendment then stood thus—

"Whereby any person may be deprived of life, liberty, or property without due process of law giving not less security than is given by the Common Law, or by any Act of Parliament varying the Common Law."

He approached the subject with diffidence, seeing that its difficulty had been admitted only that night by the greatest advocate of the day. This Amendment had not been introduced to allay the fears of lawyers, or of those who had spent a lifetime in the study of the American Constitution. This sub-section had, by their own showing, been admitted by the Government into the Bill in order to allay the fears of the men of Ulster and other Loyalists in Ireland. On behalf of those who saw some difficulty in grasping the meaning of the words "due process of law," which the Attorney General said no Court had ever attempted to define, this Amendment was put upon the Paper. Anyone who had read for the first time the sub-section of the Bill would think it was aimed only at barbarous proceedings in Courts of Law, that it merely enforced the decent observance of procedure previously laid down. But they now knew it represented a great deal more than that. During the early Debates on the Bill the Solicitor General said—

"For many years that clause had stood the test of discussions by jurists and decisions by Courts, some of them of the highest authority. The reasons given in support of the interpretation invariably placed upon that clause were such that he did not doubt would be perfectly acceptable in any duly constituted Courts of Justice in any part of the world. The substance of the reasonings and the decisions that had been arrived at was this: that it would be idle if a clause, which was put in professedly as a restriction on the legislative powers of the Irish Legislature, were so construed to be got rid of without restricting those powers at all."

It had, therefore, required these arguments and decisions to dispel the obvious or most salient meaning of the sub-section. Accepting that contention of the Solicitor General, it was clear that they were not having a joke at the expense of the loyal minority; they were not saying that the Irish Legislature would be allowed to pass laws altering the existing procedure, and then to deprive men of their lives, liberties, and property under the new procedure. The Solicitor General went on to say—

"The unquestioned and unquestionable meaning of the words was that no law should be passed by the subordinate Legislature which would enable any attack to be made effectually on life or liberty or property, unless it were done by a process of law properly described as a 'due' process, and for what was 'due' process resort must be had to the Common Law of England, or to any statutory law varying the Common Law."

They had been told that those words had often been interpreted, and he gathered that the meaning to be put upon them was the interpretation of the Supreme Courts of America, which was that, in construing restrictions of this character, reference must be made to some external standard of justice and legality, and that the application of that standard rested with the Courts of Law of America, and, as a last resort, with the Supreme Court. In this country, unless they were to fall back on the obvious but grotesque interpretation repudiated by the Solicitor General, there must be also a reference to some external standard, and also some arbiter to apply that standard, such as the Courts of Justice in Ireland, and also, as a last resort, the Privy Council. But he would invite the attention of the Committee to a point which he considered of the greatest importance in this matter. He asked them to reflect that the conditions under which the Law

Courts of America and the Supreme Court of America had decided this very difficult question were wholly distinct from the conditions under which the Courts of Ireland and the Privy Council would have to decide it if the Bill became law. It was not difficult to show how broad and deeply marked the contrast was. In America this safeguard was introduced into the Constitution after the people had enjoyed that Constitution for many years—it was introduced with all the help given by previous experience of the connotation of similar decisions on similar points during the scores of years in which the Americans had enjoyed their Constitution. In the second place, he would point out that in the American Constitution there was a rigid *corpus* of inalienable and stable rights enjoyed by American citizens. In America *ex post facto* legislation was impossible. Again, all laws varying contracts were void, and could not deprive any citizen of his property. In this country they had no traditions or experience of a similar kind. They were introducing a safeguard entirely novel into a Constitution they had heard of for the first time, and they had no such thing as stable and inalienable rights belonging to any subjects of the Queen, for it was admitted that the Imperial Parliament could pass any law it pleased upon any subject. There was not, therefore, in the Constitution which they enjoyed, any solid body of opinion upon which they could get purchase, in order to work this provision that “due process of law” should be observed. Take as an illustration the provision that no man was to be deprived of his property without just compensation. The Solicitor General said on that point in the course of his speech on the Second Reading of the Bill—

“If ‘compensation’ meant simply what compensation the Irish Legislative Body chose to provide, he could understand that the safeguard would be absolutely illusory. But ‘just compensation’ must be measured by what the Irish and the English laws at the present time thought to be just; and it would be within the competence and duty of every tribunal, from the highest to the lowest, to give such effect to the clause as would render absolutely illegal and void any provision in any Act of the Irish Legislature infringing the fundamental laws of justice in granting compensation.”

Mr. G. Wyndham

What was the meaning of “laws of justice”? The Solicitor General, in using that phrase, had invited the House to enter on a Socratic dialogue. There was no such thing as absolute justice known to the country. And, similarly, there was in this country nothing known as a “due process of law”? It was a difficult subject, one which the Attorney General treated with hesitation, for he said a precise definition of the phrase could never be arrived at. In America it would be impossible to meet with the difficulty that would arise in this country should this safeguard be introduced into the Bill without any definition of “due process of law” being arrived at. The Attorney General dealt with a number of test cases put forward by opponents of the Bill. The hon. and learned Gentleman said the provision was not only a bar against barbarous procedure, but might also be used against extravagant legislation. One of the cases put before the Attorney General was whether this safeguard would prevent a law being passed by the Irish Parliament compulsorily transforming the occupier of land into an owner in fee simple; and the right hon. and learned Gentleman did not dismiss this supposititious case as alien to the purview of the sub-section. On the contrary, he relied on the sub-section as a protection against it. The safeguard, therefore, in the eyes of its authors, contemplated not only barbarous procedure but also extravagant legislation. Suppose a law was introduced for compulsory purchase upon unjust terms. The Attorney General would say that protection was given under the sub-section. But who was to decide at what point legislation of the kind became so wild and extravagant as to break through “due process of law”? That point would have to be decided by Courts of Law, which would have no experience of such points, and which would be without any standard at all according to which they could regulate and guide their decision. For in the United Kingdom Parliament had hitherto been paramount in all matters. If the Irish Legislature inherited this paramount power in all matters, except those specifically excepted, would it be possible outside those excepted subjects to restrict legislation by virtue of such a safe-

guard? The Attorney General, when dealing with this point the previous night, quoted a decision of the Supreme Court of Law in America, by which it was laid down—

“To give the clause any value it must be understood to mean that no person shall be deprived by any form of legislation or Governmental action of either life, liberty, or property, except as a consequence of some judicial proceeding properly and legally conducted. It follows that the law which, by its own inherent force, extinguishes rights of property, or compels their extinction without any legal process whatever, comes directly in conflict with Constitutional Law.”

That was abundantly true of the United States, but it was not true of the United Kingdom. In the United States such a law would come into conflict with the Constitution, under which contracts were inalienable; but it would not come into conflict with the Constitution of the United Kingdom. The Imperial Parliament was every day engaged in passing laws, extinguishing the rights of property in a manner some believed to be due and others believed to be undue. By the Land Acts of 1881 and 1887 the Imperial Parliament had passed laws seriously impairing existing legal contracts; and if the Irish Parliament passed an Act, the effect of which would be to deprive subjects of their property, it might be contended that such an Act would be no greater extension of the law, as it existed, than the extension which the Imperial Parliament made of the law as it existed when it passed the land legislation of 1881 and 1887. In his opinion, it would be extremely difficult for a Court of Law to decide whether the sub-section would be contravened by the passage of such a law as he suggested. If such difficulties existed, then let him say that whereas this sub-section fitted in well with the American Constitution it fitted in badly with the Constitution of the United Kingdom, and gave little protection to those it was intended to protect. If the Government wished to make the safeguard effective—and he did them the justice of supposing that that was their intention—there were only two courses open to them. One—which he named only to dismiss—was to add contracts to the subjects outside the legislative field of the Irish Parliament, and much could

be said in favour of such a proposal if it were less alien to the spirit of the Bill and the spirit of the Constitution. The second course open to the Government was to accept the Amendment or its equivalent; and if they agreed with the dictum of the Solicitor General that in any construing of the Bill resort must be had to the Common Law or to any statutory law varying the Common Law, they would then have their external standard. Such an Amendment would be prospective in its action. He did not ask the Government to restrict the Irish Legislature to the field of law as it at present existed. What he desired to secure was that the two Legislatures—the Imperial and the Irish—should in these matters proceed *pari passu*. There were many people who were anxious to impair contract—many who wished to whittle away compensation. All he asked was, that as there was no danger of progress being wholly arrested in these matters, that the progress of the Irish Legislature should be governed by and co-ordinate with the progress in other parts of the United Kingdom. He said, in conclusion, that the safeguard was illusory unless they erected and defined an external standard of justice. The standard which he suggested was the law of England—not the existing law of England; but the law of England—existing at any time when the Irish Legislature passed a law affecting the lives, the liberties, or the property of Her Majesty's subjects in that country.

Amendment proposed,

In page 2, line 31, after the word “law,” to insert the words “giving not less security than is given by the common law, or by any Act of Parliament varying the common law.”—(*Mr. Wyndham.*)

Question proposed, “That those words be there inserted.”

*MR. T. H. BOLTON (St. Pancras, N.) said, that before the Solicitor General replied on behalf of the Government, he would like to put a point before the Committee for the right hon. Gentleman to refer to. He would not now discuss the meaning of the words “due process of law,” but he apprehended that a Court of Law in Ireland would have regard to the laws made by the Irish Parliament. If the Irish Parliament were to make a

law dealing with individual rights or the taking of property, the Courts would interpret any case before them in accordance with that law. "Due process of law" would, therefore, mean due process according to the laws passed by the Irish Legislature. This was not due process of law, according to English law, or according to the Common Law, or according to decided cases, but it would be due process of law having regard to the Acts of the Irish Legislature dealing with the subject-matter before the Courts. That being so, it seemed essential that, if protection were really to be given, some words such as those in the Amendment should be embodied in the Bill.

*SIR J. RIGBY: It is one of the plain facts of common sense, as well as an accepted rule of the Courts of this country, and, I believe, of all other countries in the civilised world, that we must construe the words of any document so as to give some effect to them, and not so as to render them of no effect whatever. An Act, or a section of an Act, must be supposed to mean something. Bear that in mind, please. It is said that the provision in the Bill that life, liberty, and property were to be dealt with by "due process of law" meant that the Irish Parliament could make the "process of law" what they pleased, and could then legislate as if the sub-section were not in the Bill. That was reducing the words of the Bill to nothing. The position is this: The legislation that we are providing against by these words "due process of law" must be guided by some external standard. What is that external standard? It is not the existing process of law, but a process that can be described as due process of law. [*Opposition laughter.*] Cannot hon. Gentlemen see as far as that into an argument? If it is due process of law there must be a standard for that. The hon. Gentleman quoted from a speech of mine. As far as I followed the words what I then said corresponded exactly with what I intended to say. It may possibly be that I made a slip; but, as I followed the words, I believe that what I am reported to have said

Mr. T. H. Bolton

entirely expressed my meaning, and by that meaning I stand. The hon. Gentleman says that in the United States you have an unbending Constitution. Here you have no such unbending Constitution. Remember that we are creating a Constitution which the Irish Legislature cannot go beyond, though this Parliament can pass any law that it pleases, just or unjust; and, as I believe, in the course of its existence it has passed a great many unjust laws. But, over and above the Constitution, we have what are fixed, settled, acknowledged principles of law, not absolute enactments, fitted to every case, but well-known, well-understood, well-established general principles. The rule in the United States is that you look first to find whether the Constitution prohibits the law; and then, if there is nothing in the Constitution prohibiting the legislation which has been effected, you proceed to inquire what are the settled principles of the Common Law. It is the only standard conceivable; and although it is truly said that the words "due process of law" have not received their final interpretation, that only means that the Courts will, as they have wisely done in interpreting what amounts to "fraud," keep a hold over the matter, and will not be fettered by unwise or imperfect decisions or definitions in dealing with any new cases and altered circumstances that may arise in the course of time and under altering conditions. A definition may, perhaps, be framed to meet 999 cases; but they keep the matter open to meet the thousandth case, in order, if new circumstances should arise, that they may not be fettered. We have already decided that criminal procedure in Ireland shall be left to the Irish Parliament as part of their duty for regulating matters for the peace, order, and good government of Ireland. What we want is a rule sufficiently plain and sufficiently wide to secure justice — sufficiently elastic to prevent the making of mistakes in dealing with cases that had never been thought of beforehand. The measure of elasticity is not to be the measure of the concurrent legislation of the United Kingdom. The whole idea of the Bill, so far as it is now established, is that criminal procedure in Ireland is to

take effect according to the sense of justice of the Irish Legislature dealing with the Irish state of facts, and the state of facts in Ireland may be totally different from the state of facts in Great Britain. We are not to allow any deprivation of life, liberty, or property which cannot be called due or proper, and which is not regulated by general principles of procedure, with such elasticity as enables you to alter procedure with experience. This will give the advantage of a rule, which is as certain as any can be, and which is to be derived from a consideration of general principles. The words proposed to be introduced would not render more clear and precise, but altogether more vague and indeterminate, the meaning of the clause.

***MR. DUNBAR BARTON** (Armagh, Mid) said, the speech they had just listened to was in striking contrast to the Solicitor General's speech on the Second Reading of the Bill. On that occasion, after expounding this safeguard borrowed from the American Constitution, he asserted that the clause entirely did away with the fears presented to the men of Ulster.

***SIR J. RIGBY** : I was wrong in that statement. I ought to have said that it does away with every reason for those fears.

***MR. DUNBAR BARTON** said, he would venture to think that, as time went on, the Solicitor General would have to correct many other expressions he had used. The Solicitor General said, "What lawyer would get up and say he understood this Amendment?" He retorted upon the Solicitor General—what lawyer would get up and say he clearly understood the meaning of this safeguard? The Attorney General, in his very candid statement, spoke of this safeguard as ancient, but not definite; as one which no Court of Law had ever attempted an exhaustive definition of, and which he himself would not like to dogmatise upon. Yet that was the "safeguard" on which for all time to come, if this Bill became law, the lives, liberties, and property of the Irish minority were to rest. He would tell

the Government that they had wholly failed to safeguard those elementary rights and liberties which every Ulsterman and Loyalist possessed as a British subject, and which it was now plain would be handed over wholesale to another Authority. The Attorney General stated that this sub-section would prevent the Irish Legislature from passing any Bill of attainder or suspending the writ of habeas corpus in certain cases. Was it not a significant fact, however, that in every State Constitution this safeguard was inserted, and yet in every one of them there was also a restriction upon the suspension of the writ of habeas corpus—sometimes absolute, sometimes with the exception of rebellion and invasion—and at the same time the passing of any Act of attainder was also forbidden. How, then, could it be said that this sub-section covered the cases of habeas corpus and Bills of attainder? Mr. Cooley, in his great book published in 1883, pointed out the importance of restrictions upon these subjects being inserted in every Constitution, stating that this was highly necessary, in relation to popular Assemblies, and that it would be very unwise to dispense with them. The words "due process of law" occurred in the Irish law; they were on the Irish Statute Book; they had a clear meaning; and that meaning was wholly different from and inconsistent with that put forward by the Solicitor General. The words had been frequently adjudicated upon; they might be adjudicated upon any day; and the meaning given to them was the plain meaning put upon them by the hon. Member for St. Pancras, the meaning which every English and Irish lawyer must put upon them—namely, that it means process, the existing law as it is for the time being. If the Irish Parliament should change the process of law then the new process will be the process that will have to be carried out. No one would deny that every "course of law" authorised by an Irish Statute would be "due" course of law, however lax or oppressive it might be. The Judges, in construing such words, would not, and could not, construe them in accordance with any general principle of justice, but must construe them according to the

strict letter of the law. The words "due course of law" occurred in every warrant issued in Ireland for the commitment of a prisoner to take his trial; he was to be committed until he was discharged by due course of law. That was construed to mean the law as it now existed in the Statute Book; and he challenged the Solicitor General to say that it meant anything else.

*SIR J. RIGBY: I will deal with that argument afterwards. What I have pointed out is this: That the section as it stands is plainly a limitation on the legislative power of the Irish Legislature; but it would not be any limitation at all if the Irish Legislature had the power of altering at their pleasure the due process of law. The words necessarily mean due course of Common Law as altered according to the will and pleasure of this Parliament, and abuse of its power by the Irish Legislature has nothing to do with the question.

*MR. DUNBAR BARTON said, he would appeal to the legal profession, who would have this Debate before them for weeks and months to come, whether the words "due process of law" must not be construed according to their meaning in British law. He admitted they had a special meaning in American law, but that could not be adopted. The words were in an Irish Act now in force. It was an Act passed by Grattan's Parliament in 1786 to punish forcible entry, and it was known as the Statute of George III. against forcible possession. The 64th section of the Statute made it a felony for any person to take possession of land "forcibly and without process of law." This section had not been repealed, was still the law of Ireland, and no one could contend that a Judge could, in construing these words, apply to them any general maxim of justice. Since the Statute was passed the "due process of law" for recovering the possession of land had been changed over and over again; and the words would be construed in the light of the most recent Statute. Fancy a prisoner indicted under the Act pleading the American Constitution; he would be a laughing-stock! It would only be

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necessary to prove that he had taken possession forcibly against the due process of the existing Statute Law. He understood the Attorney General agreed to that. [SIR C. RUSSELL nodded assent.] They had those words in an unrepealed Statute, and they had been frequently adjudicated upon, and they could not use them in any sense different from that which they possessed unless by passing words to give them a different sense. The Solicitor General would not dispute that proposition.

SIR J. RIGBY: Certainly not.

*MR. DUNBAR BARTON: It must be plain, therefore, to every layman and to every lawyer that these words "without due process of law," understood in the sense which they bore in English and Irish law, offer no protection whatever against oppressive legislation. The Irish Legislature might exercise their own sweet will in altering the process of law. The process in its altered form would become "due process"; and this clause would be valueless as a protection for life, liberty, or property. And yet they were to be told that the words would have a totally different meaning in this Bill. The Government wished it to be understood that these words were a real protection to the Irish Loyalists; they were more anxious, perhaps, that they should appear to be such than that they should be an actual safeguard. But the Government suggested, and he had no doubt intended, that these words should be understood in the very different meaning which they bore in American jurisprudence. His next proposition was that they could not be so understood. He was aware that the Government proposed by Clause 19 to set up a Court which could over-rule legislative enactments. But that Court would be and must be guided by the principles and rules of British and Irish law, and not of American jurisprudence. The Government could not by a phrase transplant a whole branch of American law into British law. It was said by Coke that Statute Law might be over-ruled by the Common Law in certain cases. In a new edition of his book on the American Constitution, Mr. Bryce—he begged

pardon, but it was difficult to distinguish between the author and the statesman ; he meant, of course, the Chancellor of the Duchy (Mr. Bryce)—said that this doctrine was obsolete, and that—

“The opposite doctrine has long been settled.”

So that a Constitutional Statute might be repealed by Act of Parliament.

MR. BRYCE: By the Imperial Parliament.

*MR. DUNBAR BARTON said, yes ; but what was to prevent the Irish Legislature from doing the same ? The Irish Legislature could under this Act alter all the Constitutional Statutes, such as *Magna Charta* and the Bill of Rights, as well as the right of trial by jury, bail, habeas corpus, free and open trial, liberty of the Press and speech. As an Ulsterman and a Loyalist, he repudiated this as a substitution for the liberties of an English subject. It was, therefore, impossible for the Government to transplant American law, because there was nothing in the Statute to authorise it. Besides, the Privy Council could not administer American law without authority of Parliament, and they would not if they could. The Chancellor of the Duchy in his book had pointed out, at page 385, with what strictness and literality the Privy Council had construed the British North America Act. The right hon. Gentleman wrote—

“Had the Supreme Court been possessed of the same spirit the United States Constitution would never have grown to be what it is now.”

The proposition appeared to be, therefore, that what the Supreme Court took 100 years to do was to be done in a day—in a moment, if necessary—after this Bill was passed. He thought that their Judges were right in their attitude of strictness and literality; but whether they were right or not the Chancellor of the Duchy had shown how absurd it was to suppose that they would on reading this phrase swallow, digest, and apply a large branch of American law which it had taken a century for the United States to build up. But he went further. He said that even if the Government could embody the whole of this

American branch of law it would be quite ineffective and inadequate for the purpose for which it was intended. What was that purpose ? It was offered as the sole safeguard for the lives and liberties of Ulster and the loyal minority. It was not, as in America, in addition to all the elementary rights to liberty. It was in substitution of them. In America it was applied to the Judiciary and Executive as well as to the Legislature. Therefore, the Government had borrowed these words, and applied them to the power which they could not effectively restrain, and they had not applied them to the powers which they might effectively restrain. But the external standard to be applied in deciding these matters was of vital importance. What was it ? It was so vague and indefinite that, though the Law Officers of the Crown had tried to give it a meaning, the Committee had not been told what the phrase really meant. In the case quoted by the Attorney General of “*Wynehamer v. People*” it was indicated that these words meant “as settled maxims of law permit and sanction.” In the famous argument of Webster, he explained the words by saying that life, liberty, and property were placed under the protection of the general rules which governed society. He would like to see how the Irish Judges and the English Privy Council would give effect to these explanations. He could understand the Solicitor General unfolding to the Privy Council the settled rules which governed society, and he firmly believed that, for once in his life, the Solicitor General would be dismissed with costs. He (Mr. Barton) had not to go beyond the Treasury Bench for authority. There was one Member of the Government whose name had not been mentioned in these Debates. The Civil Lord of the Admiralty had written a book called *American Home Rule*, which was a most interesting book, and, among other things, he dealt with this very question. At that time he ventured to say the Civil Lord of the Admiralty was not aware that this safeguard was going to be introduced into the great Home Rule Bill of 1893. What did he say was meant by “due process of law” ? He said, “It means compliance with certain principles of justice which have not

been very precisely defined." A more accurate and precise description of this principle was never put upon paper. The Civil Lord of the Admiralty went to America himself as a professional man; he studied and had a personal opportunity of seeing how this law worked; he was away for three years, and that was the evidence he gave as to the value of this safeguard. He would tell the House what he understood this safeguard to be taking it at the utmost, and it was consistent with what had been stated that and the previous nights by the Attorney General. It was some protection, he admitted, but absolutely inadequate by itself. It meant this, and he took the meaning from the case of "*Parsons v. Russell*," in 11th Michigan Reports, where the Attorney General would find it under the head of "due process of law,"—

"This safeguard merely intends to secure the right of trial according to the form of law."

That was consistent with every word the Attorney General said in his speech last night and also in his speech that night. Story's explanation amounted to this—that there must be an accusation, a trial, a judgment, and a conviction. Yes, but the Committee would ask who was to decide what was to be the character or the form of that accusation, that trial, of that judgment, and of that conviction, and he would tell them not on the authority of a Michigan or New York Court, but of that of the Supreme Court of the United States. In the case of "*Walker v. Sauvinet*" (92 U.S. Reports), the rule was clearly explained, and it was set forth in Mr. Cooley's book in the following words:—

"But the States will prescribe their own method of proceeding and trial; the accusation may be by Grand Jury or without one; the trial by Jury or by Court; and whatever is established will be due process of law, so that it be general and impartial in operation, and disregard no provision of Federal or State Constitution."

What were these safeguards then? It must be general and impartial in operation; but if they were protecting a minority it was of the very elements of the question that an Act general and impartial in operation was that which might be most injurious to the minority, where

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one had to be protected from a majority, because they could frame an Act which might be general and impartial, which would do no harm to the majority but which might injuriously affect the minority. Then the process must not "disregard any provisions of Federal or State Constitution." But the Bill did not give them the provisions which were inserted in the Federal and State Constitution for the protection of life and liberty, and consequently the foundation of all the "due process of law" was gone, and these words by themselves afforded no protection at all. He would admit that occasionally—perhaps once in three or four years—this safeguard, if understood in its American sense, might be of use in Ireland, probably to stop Socialistic legislation, or something like that. But as a protection to life, liberty, and property it was absolutely worthless. He therefore put these four propositions: First, that these words were the sole safeguard for the lives and liberties of the Irish Loyalists—they were the substitute for all the liberties they at present possessed; secondly, that in their well-understood sense in our law they were absolutely valueless; thirdly, that it was impossible to pitchfork the words from the American law into our law in their American sense; and, finally, that, if that were done and the words were taken in their full American sense, they would be inadequate and ineffective for the purpose at which they aimed. As an Ulster Member he repudiated this safeguard as any protection for the Loyalists of Ireland. To offer this in exchange for the liberties of Ulstermen was a direct provocation to any course of action; and if the clause were passed in this form, he said that whatever course Ulster might take would be approved of by every lover of freedom in the civilised world.

MR. MACARTNEY (Antrim, S.) said, that during the course of these Debates he had been astonished at the attitude of the Government, but he had never been more astonished than now by the fact that no Member of the Government had risen to answer the powerful arguments advanced by the hon. and learned Member and by others. He contended that whatever basis there had been in the arguments of the Govern-

ment had now been destroyed. This was a question of gigantic importance to the minority whom the words were intended to protect. Whenever Ulstermen had declared their lives and liberties and property to be endangered the Government and their supporters had always pointed to this sub-section as affording adequate protection, and now it had been shown by his hon. and learned Friend that the words had at least two interpretations. He held that the Government had no right to pledge themselves before the country to introduce into this Bill safeguards for the purpose of protecting the lives, the liberties, and the property of the minority in Ireland, and then to frame that protection in ambiguous language capable of varying interpretations. He was bound to say that the last speech the Solicitor General made certainly opened his mind very considerably to the great danger which surrounded this expression. The hon. and learned Gentleman declined to define it for the reason that he said no lawyer had yet attempted to define what fraud meant in the English law, and the Government proposed to hand over the lives, property, and liberties of the minority in Ireland to a frame of words which might be subject for years to the varying interpretations and doubtful judgments which had been given with reference to "fraud" in the English law. If the Government pretended that they were redeeming the pledges they had given to protect the minority in Ireland, all he could say was it was a way of redeeming them that very few politicians would care to imitate. It had been pointed out that these words had been interpreted by the Civil Lord of the Admiralty as dealing with "principles of justice not very accurately defined." Was the Civil Lord prepared to tell his constituents that by this sub-section the Government had done justice to the principles upon which they went before the country with this Bill? Was he prepared to tell them that in his opinion this sub-section, which was merely a frame of words dealing with principles of justice not very accurately defined, was a sufficient safeguard for the minority in Ireland? He understood that one of the legal officers of the Government had stated that the words "due

process of law" would preclude any action of the Irish Legislature which would alter the state of the law as it existed at present. [Sir C. RUSSELL: No, no!] If that were not so, he could not conceive what protection the words afforded against the action of the Irish Legislature. They afforded no legislative or judicial protection. Viewing this clause, upon which the Government relied, as a redemption of their pledges with regard to the protection of the minority in Ireland, which the Government had over and over again admitted was necessary, this safeguard appeared to him to be an absolute fraud, and it was far better to reject it than encumber the Bill with it.

MR. A. J. BALFOUR: I do not rise for the purpose of intervening in this legal Debate, and giving what would most doubtless be a valueless opinion on matters bearing a legal interpretation, but I can hardly sit still and allow the Government under the cloak of silence to escape from not the least damaging of the many damaging attacks made upon them in the course of this Debate. I have had better fortune than many gentlemen in this House, in that I have heard the whole of the Debate from the beginning on the Amendment of the Member for St. Helens down to the present Amendment. On the Amendment of the Member for St. Helens we had one of the few legal speeches from that Bench with which we are expected to be satisfied. No doubt the Attorney General was perfectly clear in his statement. In other words, he very clearly explained to the House that he could not explain the meaning of his own Bill. His clearness was a negative clearness. It was clearness devoted to showing that with all his immense knowledge of English law and all his acquired and doubtless accurate knowledge of American law, still he is not in a position to give this House an adequate account of what it was the Government meant by this Amendment. Then he is followed by his learned Colleague the Solicitor General, and his learned Colleague's claims upon this matter appear to be of a very modest description. He was asked what these words meant, and he said that a Court of

Law which had got to deal with an Act of Parliament would always assume that it means something; and, therefore, although the learned Gentleman could not tell us what they did mean, such was his confidence in the tribunals of his country that he had not the slightest doubt when the Statute came before them for interpretation they would be able to find some meaning or another to put upon these words. And I recollect, while I am on this point, that while the Solicitor General was quite confident they would know how to interpret the obscure conundrum contained in the words "due process of law," he had admitted they would be utterly puzzled by the word "security." In this Amendment the word "security" occurs. The learned Solicitor General, I suppose, understands what "security" means; but from his knowledge of the Judges of the land, he thought they would not be able to understand it, and so strangely constructed is the judicial mind that while there could be no question, no ambiguity connected with the "due process of law," the word "security" in an Act of Parliament would utterly puzzle those learned Judges. It may be true, as the Solicitor General says, that an Act of Parliament, however idiotic be the wording, will always have some meaning or another put upon it by "Judges when interpreting it." I do not deny that broad legal proposition. The question before us, then, is what will be the legal interpretation put upon this subject—which is the most material subject of all—upon which we have had a great deal of light from my hon. and learned Friend behind me? We have had no light from the Government at all. My learned Friend has shown—and he has not yet been contradicted by any of the legal luminaries on the other side of the House—that the words "due process of law" occur in a Statute still operative. He has shown that, as used in this Statute and as constantly interpreted by the Judges, "due process of law" means the process of law in force for the time being. In other words, he shows that the English Courts are in the habit of interpreting these words in a manner that make them a mere farce and absurdity when introduced into a Bill by way of a safeguard. He has gone

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further, and he has quoted two important works upon the American Constitution. This Government suffers under the unique difficulty of having produced two gentlemen who have both had the misfortune to write books on the American Constitution, and who have—I say it with modesty and humility—through the medium of excellent books, supplied us with at least half our facts and arguments. Both these learned gentlemen have been quoted by my learned Friend behind me. It appears that on the authority of both of them he has conclusively proved that in America the words are ambiguous, difficult of interpretation, and almost as illusory, as it is quite clear they would be upon the interpretation of the English Courts. I do not know what answer the Government can give, or whether they have any answer to give at all; but I submit that, at all events, this Debate should not conclude until some serious answer is attempted. But, Sir, as we are upon the subject of the American Constitution—as, indeed, we cannot be on any other subject while we are dealing with this particular Amendment, which is, after all, nothing but a quotation borrowed from the American Constitution and spoiled in the borrowing—let me give some information to hon. Gentlemen opposite, which I do not profess I have derived from my own researches into the American Constitution, or into the two books by Members of the Government to which I have just referred. But I am given to understand that this very sentence—these ambiguous words—came up for discussion in an American Court, and Chief Justice Ruffin thus defined the meaning of the clause. He said—

"The clause means that Statutes which would deprive citizens of the rights of person or property without a regular trial, according to the usage of the Common Law, would not be the law of the land in the sense of the American Constitution."

And that sentence has been, as I understand, supported by Story, Kent, and other great American legal authorities. Very well, but that is the Amendment we are discussing, and which the Government refuse to interpret. This was known apparently—as, of course, everything about the American Constitution

is known—to the Chancellor of the Duchy; and I really think if he had got up and told us that the very interpretation put upon it in the Amendment of my hon. Friend the Member for Dover and in the Amendment of the noble Lord the Member for Rochester had the support of the great legal authorities in America, I think our deliberations would have been very materially aided. There is one other argument as to which I should like a reply. It was alluded to, but not specially developed, by my learned Friend behind me (Mr. Dunbar Barton). "Due process of law," after all, in the American Constitution, refers, among other things, to principles laid down in that Constitution—principles regarding trial by jury, bail, the writ of habeas corpus, and a large number of other matters vitally interesting to the liberty of the subject. These, Sir, are embodied in the American Constitution, and it is, at least, partially in reference to these that the words "due process of law" are used. Why do not the Government put down in this Bill those principles of law? They have had an opportunity of doing so, because an Amendment was moved this very evening by my hon. Friend the Member for Glasgow before this Debate began. That opportunity they did not take. They will have many other opportunities. I observe the hon. Member for Glasgow has very properly, in my judgment, put down each one of these Amendments to the American Constitution, which the Government ought to have introduced into the Bill, but have not. If there is to be a meaning to the words "due process of law," we shall, on these Amendments, have an opportunity of testing whether the Government really mean this to be a safeguard to the religious liberties, lives, and property of the minority in Ulster, or whether, on the other hand, this is merely a clause put in for the purpose of debate on the Second Reading—a clause put in to be aired upon English platforms—a clause put in to induce the English people to believe they were not betraying the interests of those in Ireland who had trusted them, but a clause which, whatever its value may be for these electioneering purposes, will be utterly and obviously useless for every real

object for preserving the rights threatened by the institution of this new Legislature.

*SIR C. RUSSELL: I certainly should have risen after the speech of the hon. and learned Member for Armagh, but for the fact that the right hon. Gentleman the Leader of the Opposition rose, and that I had delivered a speech of some length, which was practically a speech relating to this Amendment, though it occurred upon the withdrawal of the Amendment proposed by the hon. Member for St. Helens. The fallacy, as I conceive it, which has pervaded the entire argument of the hon. Member for Armagh, to which the right hon. Gentleman thinks I am called upon to make an answer, is this: that he entirely disregards the context in which this language, "due process of law," occurs. He cites, forsooth, as an illustration and an argument upon this question a Statute of the year 1786, which, forbidding the taking forcible possession except by "due process of law," has been construed in the only way in which it could be—namely, "due process of law," according as the law at that time existed. According to the context there could be no other possibility of any other construction. But what is this case? I must briefly state it again, because I do not feel warranted in following far afield some of the extraneous topics introduced to-night. I will not follow the hon. and learned Member into his extravagant description of loyal Ulstermen stripped of every vestige of protection—poor, helpless creatures, with no protection from the Irish Legislative Body, no protection from the Representatives of the Crown, from the judicial tribunals of the country, or from the ultimate appeal to the Appellate Court of the Privy Council. I will not follow him into that extraneous matter. I will, therefore, call attention to the fact that it is in relation to the context in which the language "due process of law" is used that a true apprehension of the meaning of the words must be found. It is said that in spite of the clause the Irish Legislative Body might make any law or might lay down any mode of pro-

ceeding they pleased, and that thereupon it would become due process of law. I have no hesitation in saying that that argument is absurd on the face of it—one to which no legal tribunal would, or could, for a moment listen. The Solicitor General has been twitted because he declined, as I did earlier in the Debate, to commit himself to a positive and accurate definition of the words. Well, there are many lawyers in the House; but where is the one who will rise and give such a definition? The authority cited by the Solicitor General at the close of his speech is most apposite, because it is the judicial expression of a Judge of one of the Superior Courts in America, giving the meaning to the phrase “due process of law” which we contend it has received from long judicial interpretation. Thereupon the Government are asked why they do not put the words of the Judge in the Bill? In other words, we are asked to select the opinion of an isolated Judge, which, no doubt, is sound, but which may have a restrictive effect, in preference to the result to be obtained from the whole of the judicial decisions upon the question. The words must be left to judicial interpretation in connection with the context; and thus, while they will have the guarantee of judicial interpretation, they will, without using any stereotyped form, give the elasticity of language which may be necessary in the consideration of principles involved in varying circumstances.

SIR H. JAMES (Bury, Lancashire): My hon. and learned Friend had much to answer in the direct propositions put to him; but he has replied to none of them. The hon. Member for St. Pancras asked the simple question—Was that which was represented to be due process of law the process of law which existed now, the process of the Common Law, or was it that process of law which the Irish Legislature at their will might invent? Do any of those hon. Members who think the Attorney General answered that question understand what his answer was? Certainly, the hon. and learned Gentleman has not asserted that the Irish Legislature could not enact due legislation controlling procedure. That procedure, whatever it might be, would

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amount to process of law, and that would be the “due process of law”—[Sir C. RUSSELL dissented]—which would form the only safeguard given by this sub-section. We have the admission that the Irish Legislature will be able to deal with criminal procedure. The Attorney General has said that the Irish Legislature will be able to enact that there should be trial otherwise than by jury. The Imperial Parliament did so in 1882. The hon. and learned Gentleman, earlier in the evening, told us that the question as to what is or is not due process of law is one of some difficulty. No Court has been able to define it, and no Court ever will be able to define it; but whilst we cannot define it we can give concrete instances. Suppose the Irish Legislature enacted that there should be trial before an individual—would that be due process of law? The Attorney General says it would not be due process of law if the Legislature said there should be trial before a Magistrate and he should be able to pass sentence of death. But why, if we give to a tribunal of three the power to sentence a man to death, can that power not be given to one? If we can give it to a Chief Justice, it can be given to a Puisne Judge or to a Magistrate. It is a question of degree, and does not much affect the principle. The hon. and learned Gentleman says we must leave the question to a Judge to determine. But we can, at least, assist a Judge. Why should we not say that the security should amount to the security given by the Common Law? The Attorney General says that in doing so we should be placing a task on the Judge to determine what the Common Law is. Why not? He has to determine it every day, and it is no argument to say that it would take volumes to tell what the Common Law is. Every Judge knows the Common Law—more or less. He is bound to administer it; and I must protest, when we ask that this safeguard, “due process of law,” should be within the Common Law, against the Attorney General saying that we cannot consent to the Common Law being administered by a Judge, because we cannot trust a Judge to know what the Common Law is. The Solicitor General has added another argument. He says that when we speak of process

of law we speak of due process of law, and that ought to satisfy us. I expected the Solicitor General to tell us what due process of law was; but he did not make the attempt. The Attorney General did. He threw the words at large upon the Bill, saying—"We cannot tell you what it is; no one has ever been able to tell you what it is; but that is all we have to give you." I admit the difficulty of definition; but I think it a bad practice to put on the Statute Book that which no one can define. Having heard all the Government have to say, I assert that those who have drawn the clause stand convicted of having put in words of no meaning and no force, which will create confusion instead of affording protection.

SIR E. CLARKE (Plymouth): I shall make no apology for asking the Committee to listen to a few words from me upon the important subject before them. If I wanted any justification, I should find it in the words of the right hon. Gentleman opposite, who, in answer to a question, said there was no subject on which the House ought to spend so much time as one dealing with the liberty of the subject. [MR. W. E. GLADSTONE: No.] It was in reply to a question from the hon. Member for South Tyrone (MR. T. W. RUSSELL), and, desiring to turn the edge of the question, the right hon. Gentleman gave the answer to which I have referred. [MR. GLADSTONE dissented.] I cannot give the exact words just now, but I have no desire to misrepresent the right hon. Gentleman. There is another reason why I claim to speak. The Attorney General threw out a challenge to any lawyer in the House to speak on this Amendment.

SIR C. RUSSELL: No.

SIR E. CLARKE: Yes; my hon. and learned Friend has so challenged us. He has admitted that he cannot define the words "due process of law," and he added that it was more difficult to define the Amendment.

SIR C. RUSSELL said, that was not his challenge.

SIR E. CLARKE: I am aware there was another challenge, but I am not dealing with that. I shall meet it in

time. With regard to the words in the Amendment, I hold that they are perfectly easy of interpretation and application. It would be the duty of the Judge dealing with them to see what was the security given by the Common Law; and that is precisely the duty which falls to every Judge in the discharge of the day's work. Therefore, the interpretation of my learned Friend the Member for Mid Armagh is perfectly correct. There are very few Statutes in which the phrase "due process of law" occurs, except Statutes relating to imprisonment, in which the phrase occurs "to be imprisoned until discharged by due process of law."

An hon. MEMBER: Define it.

SIR E. CLARKE: I will do so with the greatest pleasure. "Due process of law," as used in such Statutes, means the operation of the law existing at the time by whomsoever that law has been made. The real difficulty in this matter arises from the Government's having applied to the Legislature a restriction which should logically apply to the Executive. If the words of the American Constitution were introduced it would be observed that the words ran thus—

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

I pause here to point out that the restriction which so specifically applied to the Legislative Body has been rejected by the Government. The words go on—

"Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

That sentence shows that the law there dealt with is the law which at the time exists in the State. The Solicitor General first said that "due" meant "proper," and then he said that "due process of law" meant "according to sound precedent." The Attorney General accepted, as I thought he would accept, the interpretation in the judgment in the United States Court which was read by my right hon. Friend the Leader of the Opposition. But, as has been pointed out, that interpretation is almost precisely in the words put down

in the Amendment. What answer can be given to the illustration my right hon. Friend the Member for Bury has just given in the Act passed in 1882, under which men were to be tried for their lives in Ireland without a jury? Why should not the Irish Parliament pass a similar Act? Will the Attorney General or the Solicitor General now say that, as the Bill stands, the Irish Parliament cannot do so?

*SIR J. RIGBY: The Irish Parliament could not do it.

SIR E. CLARKE: Why not? Full power of legislation is given to the Irish Parliament, subject to certain limitations, and I venture to say that there is not a word in the Bill which imposes a limit upon this power. It would be competent for them to pass such an Act, and, if they do so, the procedure under it would become due process of law.

MR. J. CHAMBERLAIN: So long as this is a question of legal interpretation, it is quite right the discussion should remain in the hands of legal experts. The time has now come, however, when laymen have got to form their conclusion and to give their judgment. I hope that even at this late period the right hon. Gentleman at the head of the Government will give the Committee the benefit of his views on the subject. Sir, I make an appeal. It appears to me that the issue is very plain and capable of being placed before the Committee in a very few words. The Government proposes to give a safeguard to the minority in Ireland. They consider they do this by inserting the words "by due process of law." Well, we ask what the expression means. We are told by the highest authority on behalf of the Government that it is beyond the wit of man to define it, but at the same time he assures us it is a very great safeguard indeed. He cannot tell us how it is a safeguard, or why it is a safeguard, or when it is a safeguard. And yet he knows that it is a safeguard. He asks us to accept his pious opinion. On the other hand, great legal authorities point out that as the clause is drawn, and without the addition of further words it will not carry the matter one bit further than the Bill would carry it if the subsection were left out—that, in fact, the

Sir E. Clarke

Irish Legislature will have full power—subject, of course, to the veto and the Imperial supremacy, such as it is—over the lives and liberty and property of our fellow-subjects in Ireland. At one point of his speech—or rather in one of his interruptions, I should say—the Attorney General was much more definite, because when the Leader of the Opposition quoted the opinion of a Judge of the Supreme Court in America defining "due process of law" according to the American Constitution, and showed that in America, at any rate, "due process of law" is defined to include all the securities of the Common Law, then by interruption the Attorney General gave his acquiescence. Yes; then why not define the matter in the English law according to the definition which you accept of the American law, instead of leaving to the Courts the duty which they may or may not discharge of importing the American law into the English law, especially as you can define it in the few words quoted by the Leader of the Opposition? But the moment the Attorney General finds himself pinned in this way he retires from the field, and begins to depreciate the authority to which he has before appealed. "Oh," he says, "what an indignity! You ask me to insert in the English law the opinion of an isolated American Judge." Let us put aside the isolated American Judge, who, after all, was considered to be a great authority in his time. The hon. and learned Member has admitted that the opinion of this poor isolated American Judge accords with the definition the Government are prepared to give to these words.

SIR C. RUSSELL: It was only an illustration or an instance.

MR. J. CHAMBERLAIN: It was something a great deal more. I think the hon. and learned Gentleman is forgetting the language of the Judgment. It was not an illustration; it was a definition for the purpose of a Judgment; and the Judgment was founded on the definition. I say the definition of the American Judge satisfies us, and we have put it on the Paper. The Government say they agree with it. Then why not put it into the Bill? If they do not agree with it, let them tell us why. The Govern-

ment themselves admit that their law is vague and ill-defined, but they trust to some future Court to define it in the course of years. Would it not be better to have an imperfect definition of certain application than to leave everything to chance? Can you conceive anything more certain to provoke litigation and irritation and to bring the proceedings of both Parliaments into contempt than upon this most important subject, which covers the lives and liberties as well as the property of the minority in Ireland, to leave everything vague and uncertain?

THE CHANCELLOR OF THE DUCHY OF LANCASTER (Mr. BRYCE, Aberdeen, S.): Several statements have been made which require to be corrected in regard to that which is the undoubted meaning of the American authorities. I cannot help thinking, in hearing the Debate so far as it has gone, what would have been said by right hon. and hon. Gentlemen who have taken part in it on the other side had they happened to be at Runnymede at the time King John signed Magna Charta, and what they would have said as to the extreme vagueness of the words *per legem terræ*. These are the words of Magna Charta. They are words which have been well understood by every succeeding age of lawyers. They are the words interpreted by Lord Coke. The right hon. Gentleman who has just sat down did not add very much to the previous arguments. He only repeated what has been said several times before, that this expression "due process of law" has not been defined. It is one that cannot be defined. [*Opposition cheers.*] Yes, it cannot be defined, and it ought not to be defined, because a definition would destroy its value. Hon. Members are probably not aware of the long-established legal maxim that there is nothing so dangerous in law as a definition? And why? Because a definition limits and narrows, and therefore destroys, the value of the words. Why is the expression a safeguard? Because it is elastic. I do not expect laymen to understand that. I notice that no lawyer has ventured to traverse that proposition. The Member for Bury

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asked whether "due process of law" is to be taken as the law as it is now in Ireland, or as the Common Law generally. Lord Coke has described it as embodying the settled principles of the Common Law, and others have given a similar definition. Why, then, do we object to the introduction of the words "Common Law"? Because they would make the matter more vague than it is. They would make the matter more vague because they would throw upon the Courts the duty of determining not only what is the due process of law, but also what the relation of the words is to the security given by the Common Law, and also what is the security given by any Act of Parliament which varies the Common Law. And could you present a more difficult field to the Judges than by asking them whether any Act of Parliament varied the Common Law? We think those words would add nothing to the clause, and make the section more difficult of application. There is another error which pervades the arguments of lawyers who have spoken in the Debate—that is, that the Irish Parliament could make that due process of law which would not be due process of law. Why, the whole object of the Government is to give a sort of Magna Charta to Ireland—a Constitution. Putting it here makes it impossible for the Irish Parliament to vary it, and so far from interpreting it by the words of the Irish Statute of 1776 it must be interpreted by the context of this Act. We are not dealing here with a new matter—with an ambiguous matter. We are dealing with words which have received in the Courts of the United States a perfectly clear, perfectly uniform, perfectly definite, and perfectly unambiguous construction. No lawyer who has spoken to-night has been able to cite a case where there has been a difference of opinion amongst Judges on this matter. The American authorities have been ransacked, and I venture to say that they will be found to be in accord as to the meaning to be put upon these words. There are 44 States in the Union, and words like these find a place in every one of their Constitutions. The result is, that a large body of interpretation has been accumulated in their Courts as well as in the Federal Courts, leaving the question quite unambiguous. This

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large body of authority will be at the disposal of the Privy Council should that Court require guidance; therefore, I maintain that we are not asking the Committee to embark in a novel proceeding, and to accept something which has not stood the test of experience. The words "due process of law" have been found to give that protection in America which it is sought to secure in the case of Ireland. They constitute, I maintain, an elastic and, therefore, efficient safeguard.

MR. DARLING rose—[*Cries of "Divide!"*] The hon. Member resumed his seat.

Question put.

The Committee divided :—Ayes 231 ; Noes 263.—(Division List, No. 145.)

It being after Midnight, the Chairman left the Chair to make his report to the House.

Committee report Progress ; to sit again To-morrow at Two of the clock.

DIVORCE BILLS.

Ordered, That the Select Committee on Divorce Bills do consist of :—The Lord Advocate, Mr. Attorney General, Mr. Carson, Mr. Knox, Sir John Mowbray, Sir Charles Pearson, Mr. Stansfeld, Sir Richard Webster, and Mr. Wodehouse.—(*Sir John Mowbray.*)

LOCAL GOVERNMENT PROVISIONAL ORDER (HOUSING OF THE WORKING CLASSES) (No. 2) BILL.—(No. 370.)

Reported, with Amendments [Provisional Order confirmed] ; as amended, to be considered To-morrow.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 14) BILL.—(No. 367.)

Reported, without Amendment [Provisional Orders confirmed] ; to be read the third time To-morrow.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 15) BILL.—(No. 368.)

Reported, with Amendments [Provisional Orders confirmed] ; as amended, to be considered To-morrow.

Mr. Bryce

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 16) BILL.—(No. 369.)

Reported, with Amendments [Provisional Orders confirmed] ; as amended, to be considered To-morrow.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 6) BILL.—(No. 374.)

Reported, without Amendment [Provisional Order confirmed] ; to be read the third time To-morrow.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 7) BILL.—(No. 375.)

Reported, with Amendments [Provisional Order confirmed] ; as amended, to be considered To-morrow.

PUBLIC PETITIONS COMMITTEE.

Fourteenth Report brought up, and read ; to lie upon the Table, and to be printed.

PUBLIC ACCOUNTS COMMITTEE.

Second Report, with Minutes of Evidence and an Appendix, brought up, and read.

Report to lie upon the Table, and to be printed. [No. 253.]

SEA FISHERIES SELECT COMMITTEE.

Ordered, That a Message be sent to The Lords, to request that their Lordships will be pleased to give leave to the Lord Montagu to attend to be examined as a witness before the Select Committee on Sea Fisheries.—(*Mr. Marjoribanks.*)

LOCAL GOVERNMENT PROVISIONAL ORDER (POOR LAW) BILL.

Reported from the Select Committee [Provisional Order confirmed.]

Minutes of Proceedings to be printed. [No. 256.]

Bill, as amended, to be taken into consideration To-morrow.

CONVEYANCE OF MAILS BILL.—(No. 263.)

Considered in Committee.

(In the Committee.)

Clause 1.

Committee report Progress ; to sit again upon Monday next.

House adjourned at ten minutes after Twelve o'clock.

HOUSE OF LORDS,

Friday, 16th June 1893.

SAT FIRST.

The Lord Petre, after the death of his brother.

WILD BIRDS PROTECTION BILL.

COMMITTEE.

House in Committee (according to Order).

Clause 1.

***LORD BALFOUR** proposed an Amendment at line 10, to leave out the words "except as hereinafter provided" under any circumstances, whatever the House might do as regarded the remainder of the Bill.

Amendment agreed to.

Clause 2.

***LORD WALSINGHAM** moved to leave out sub-sections (1) and (2) and insert—

"(1.) One of Her Majesty's Principal Secretaries of State as to England and Wales, the Secretary for Scotland as to Scotland, and the Lord Lieutenant as to Ireland, may, after the passing of this Act, upon application by any county council as to any administrative county in Great Britain, and the grand jury as to any county in Ireland (which bodies are hereinafter respectively referred to as "the authority"), by order wholly prohibit the taking or destroying of wild birds' eggs for a certain period in any year or years in any place or places within the county of the authority; and any person who shall take or destroy, or incite, aid, or procure any person to take or destroy any egg of any wild bird within such period in any such place or places, or convey any person, with the intent to contravene this Act, shall, on summary conviction, be liable to a fine not exceeding five pounds, and, if any wild bird's egg is taken or destroyed, to an additional fine, not exceeding one pound, for every egg so taken or destroyed.

"(2.) Any period of the year during which, and any place or places in which, the prohibition under any order is to take effect, shall be adequately defined in the order, and printed notice thereof shall be exhibited at the door of every school-house, church, and chapel within the county of the authority not less than twenty-one days before the commencement of such period in each year, together with placards at the boundaries of such place or places, and such other notice as the authority may determine."

He said the Amendments which had been placed upon the Paper by his noble Friend in charge of the Bill appeared to

have been drawn up with very much the same intention and general idea as these. They were designed, in the first place, to make it clear that this clause dealt only with eggs, trusting to the Act of 1880, with which this was to be incorporated, to afford sufficient protection to the birds themselves. He was not by any means convinced that it was necessary or advisable to extend any further protection to birds not mentioned in the Schedule to the Act, and which, for the most part by their habits of concealment or by their wider distribution, were pretty well able to take care of themselves. At one time he believed it was intended to include the eggs of wild birds under the Act of 1880, but those most acquainted with the subject found there would be so much difficulty that it was eventually abandoned; and this Bill might be said to be an attempt to supplement the Act of 1880 with regard to wild birds' eggs. Although he should be the last to sanction the unnecessary destruction of eggs, even of common birds, their Lordships must remember that boys would be boys; and bearing in mind that bird-nesting expeditions from school had often given their first love of natural objects to those who in after life had contributed largely to our natural science, he thought it would not be advisable to inflict penalties upon the young and inexperienced, and at the same time to leave ample and sufficient loopholes for the professional collectors and egg dealers who had really done injury to our wild birds of late years, for we had to deplore the almost extinction of many species of birds once familiar to British naturalists and sportsmen. It was against the destruction of eggs by dealers and professional collectors that these clauses were directed. It was, therefore, proposed to define more accurately the places within which it was desirable to prevent eggs being taken, and he could not think that it would be difficult to make certain portions of well-known breeding places (for the most part near the coast) sanctuaries within which the eggs of our rarer species of birds should not be taken after a specified time. He considered that even those who took eggs for the purpose of food, and those who made a living by selling edible birds' eggs would welcome some

restrictions on the indiscriminate destruction of certain species of birds, which would result in the increase and productiveness of the birds. They would soon recognise that by allowing a certain proportion of birds to get off each season by providing sanctuaries where the broods could be hatched after the first clutch of eggs had been taken, their business would be greatly improved, though some sacrifice for a year or two would be entailed. This was no new idea, for his noble Friend the late Governor of New Zealand (the Earl of Onslow) had tried already with some success the experiment of establishing on the islands off the coast of New Zealand sanctuaries for birds that were in danger of becoming extinct. When sanctuaries were set apart due notice should be given so that everyone would know where they were. The Bill as it stood did not provide for sufficient publicity for the restrictions which it authorised. His Amendments would have the effect of putting an end to the market for eggs of our rare British birds, and they would also prevent birds from being disturbed for a limited period and in certain particular places, and he therefore asked their Lordships to accept them. At present Sub-section 1 provided that a Secretary of State might, on the application of the Local Authority, by order prohibit the taking or destroying of wild birds or their eggs in particular places, and imposed a penalty not exceeding £1 for every bird or egg taken or destroyed. Sub-section 2 required any order made under the section to be published by the Local Authority not less than 14 days before the commencement of the prohibited period in the principal local newspapers. The sub-section which he now proposed to substitute for Sub-section 1 enabled the Secretary of State to wholly prohibit the taking or destroying of wild birds' eggs for a certain period, and rendered any person who did so liable to a fine not exceeding £5 and to an additional fine not exceeding £1 for every egg taken or destroyed; and the sub-section proposed to be substituted for Sub-section 2 provided that the period of the year during which, and the place in which, the prohibition under any order was to take effect should be adequately defined in the order and should

be exhibited at the door of every school-house, church, and chapel within the county of the Local Authority not less than 21 days before the commencement of such period, together with placards at the boundaries of such place.

*LORD BALFOUR said, as a matter of course, after what passed when the Bill was read a second time, he, personally, would offer no objection to the amendment of Sub-sections 1 and 2, or to the total omission of Clause 2 for the purpose of substituting something else. This Amendment technically came before that of which he had himself given notice, but they could not both be accepted. Their Lordships would either have to adopt the Amendment of the noble Lord with or without Amendments, or the other Amendment which stood on the Paper in his own name. He did not think that there was enough difference between them to make a difference in the purpose which they had in view; but before the Committee agreed to the insertion of the Amendment he thought it would be desirable to have some general indication of opinion from the noble Earl opposite who led the House, from the Lord Chancellor, or from other noble Lords who took an interest in the subject, as to which of the Amendments they thought it would be best to adopt. The only difference between the two Amendments that he could trace was that he had attempted to distinguish and to specify that only those districts in which rare birds were known to nest should be the subject of special precaution. That might or might not be an advantage in the opinion of the House, and he should be willing to agree to whatever might be thought best.

THE LORD CHANCELLOR (Lord HERSHELL): I do not think there is any substantial difference between the two proposals. I shall be perfectly content to see either of them adopted; at the same time I shall desire, whichever it may be, to propose certain Amendments. I quite agree in the expediency of the provisions pointing out distinctly that the measures taken are for the purpose of protecting rare birds from extinction. At this stage I will not press an Amendment, because I have not been able to put it down in print as to the order being made by the Secretary of State on the representation of

the County Council, the words now being, "upon the application of the County Council." Whichever form is adopted, I should propose that certain matters should be specified as having arisen to which important attention should be called in making the representation, so that the Secretary of State might be satisfied in acting upon it. The representation is—that the Council have grounds for believing that the places mentioned are frequented by wild birds of a particular species, and that this species is in danger of extinction, unless the eggs are protected, and that the proposed limits of the place are not wider than, in the opinion of the County Council, is necessary for the protection of the species. The simplest way, no doubt, is to draw your net very wide, but there is danger in doing that; and therefore I think it is important that the County Council should show, when they make their application, that they are not proposing wider limits than are necessary, and that they should convey that fact to the Secretary of State.

***LORD BALFOUR** said, the noble and learned Lord had not apparently gathered the effect of his proposition. He proposed to leave out the clause altogether, and should have liked some indication from the House as to which Amendment they preferred. It seemed undesirable to spend time in drafting a clause which the House might afterwards prefer should be left out altogether.

THE MARQUESS OF SALISBURY : I do not think the matter is so important as to necessitate our taking up time upon it now. It must go before Standing Committee, and any Amendments can be inserted there by the noble and learned Lord, and any requisite alterations can be made. I do not think it worth while discussing the difference between the two Amendments; but I should suggest that something should be put in, so that the Secretary of State should not be a mere instrument in the hands of the County Councils.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of Kimberley) : I quite agree with the noble Marquess that we might take my noble Friend's Amendment now. I entirely agree, and I imagine the House generally agrees, in the principle of these Amendments, and we shall have the

opportunity of putting them straight afterwards if necessary.

THE DUKE OF RICHMOND said, if all the Amendments to the clause were being dealt with he disagreed very much with the proposed 3rd section.

THE EARL OF KIMBERLEY : Lord Walsingham's Amendment only refers to the 1st and 2nd. The 3rd remains for consideration.

THE MARQUESS OF SALISBURY : As regards the 3rd sub-section, I think the British Museum collector might wait until the species has become numerous again.

Moved, That Sub-sections (1) and (2) of Clause 2 be omitted, and the Amendments proposed by Lord Walsingham substituted.

Motion agreed to.

THE LORD CHANCELLOR : What I proposed was based upon Lord Balfour's drafting. Of course, it would not be exactly applicable to this. I will, therefore, put it down for Standing Committee.

***LORD WALSINGHAM** moved, as Sub-section (3), of Clause 2, the insertion of the following Amendment:—

"One of Her Majesty's Principal Secretaries of State as to England and Wales, the Secretary for Scotland as to Scotland, and the Lord Lieutenant as to Ireland, may, after the passing of this Act, upon application by the trustees of the British Museum, authorise the trustees for the time being to grant to any person in their employment a licence to procure within any prohibited time or place such specimen or specimens as may be required for exhibition in the National collections. Provided always that notice of the issue of any such licence shall in each case be given to the authority for the district in which such specimen or specimens are to be procured at least fourteen days previous to the issuing of such licence, and that such notice shall clearly set forth the names and number of the specimens required."

He thought the Trustees of the British Museum were to be trusted not to endanger any species of rare birds by taking one of a limited number of their nests or eggs as specimens. The objection came rather from those who thought there was no need to illustrate the breeding habits and life histories of birds for the purpose of study in our National Museum. This was not a very wide clause, and the House would agree that Sir William Flower and Dr. Günther deserved great credit for what had been done to add to the popular and instructive

character of the collections in the Museum ; but, of course, it would sometimes be necessary to replenish the cases, and it seemed rather a false position in which to place the British Museum authorities that any of their *employés* should be tempted to evade the law in order to replenish the cases. He did not say they would do such a thing, but there would be a strong temptation if any of the cases got broken and the specimens were damaged to replace them. It was not unreasonable, therefore, to guard against that by providing, upon getting authority from the Secretary of State and by giving notice to the County Council, that they should be allowed to take specimens even in close time and from a sanctuary.

THE DUKE OF RICHMOND thought it would be rather dangerous to insert this clause, because however much they might be willing to trust officers of the British Museum, they could not possibly prevent egg-dealers, some of them probably not very scrupulous, from sending down into those districts men who would say they had that authority, and would show something to the keepers, who might not be very intelligent, and might admit them, believing they had authority to go there. He was of opinion, therefore, that that part of it should be left out.

THE EARL OF KIMBERLEY : I will only say that I entirely concur with the noble Duke opposite that there would be great danger under this clause of the object of the Bill being defeated.

THE DUKE OF ARGYLL, speaking as a Trustee of the British Museum, asked whether, as the Bill stood, there would be any means of replenishing, if necessary, the beautiful collections there ? The exhibition of nests and eggs at the Museum was one of the greatest attractions at that Institution. Though he had been told by Sir William Flower that many of the specimens were so faded and spoiled that it would be necessary soon to replenish the cases, he concurred generally in the danger likely to arise which had been referred to by the noble Duke. A general clause allowing nests and eggs to be taken for the British Museum would be rather a danger ; but, on the other hand, he thought that Institution should, either through the Secretary of State or in some other way, have

the means of securing specimens for the purpose of replenishing their collections.

THE MARQUESS OF SALISBURY : I should like to point out that the provincial spirit is growing very much among us, and I think there would be an extreme inclination to dispute on the part of other Institutions any privilege given to the British Museum. If you give this privilege to the British Museum, a great many other Museums will insist upon it being extended to them, and will ask that their collectors should be allowed to take eggs for the replenishment of their collections. Your Lordships know that the passion of the collector for getting a thing into his own hands is so strong that he entirely ceases to care for the object itself which he is collecting. Your Lordships know, for example, that that passion is very bad in literary matters, and I am afraid that botanical collectors are exterminating some of the rarest and most curious species of plants in the country. Zoology, I fear, will not be less suffer from it. On the whole, the suggested danger is too great a risk to run, and I should support the view of the noble Duke that the Amendment should be left out. If I had to vote, I should certainly vote with the noble Earl opposite.

LORD WALSINGHAM said, after the expression of opinion by the noble Marquess, the noble Earl opposite, and other noble Lords, he would not press his Amendment to a Division, although as similar powers were given in other countries it was not unreasonable to ask them for the British Museum. But as the noble Marquess had pointed out, other Museums might be a little jealous of the privilege, and if it were to be extended to all other Museums he should certainly move to reject the Bill.

THE EARL OF WEMYSS said, it was a certainty that the extension would be asked.

Amendment (by leave of the Committee) withdrawn.

• Clause 2, as amended, agreed to.

Clause 3.

*LORD BALFOUR said, his Amendment upon this clause was not inconsistent with the Amendment which had been accepted by the House. Those on Clauses 2 and 4 undoubtedly were so, and

he therefore did not propose to move them. Clause 3, however, dealt with another matter, and seemed to be a valuable provision to be inserted in the Bill. Its object was to give permission to the Secretary of State upon proper consideration to add to the Schedule of the principal Act the name of any bird which was in danger of becoming rare or extinct. A Schedule is attached to the Act of 1880 which protects by name certain birds against owners, occupiers, and every other person, while other birds not in the Schedule are protected against the general public who might trespass in pursuit of them, but not against the owner or occupier. A year or two ago, their Lordships might remember, it was resolved, and Parliament agreed to it, to pass a special Act for the protection of the sand grouse which visited this country. He did not think it was necessary in that case to do it, because naturalists were aware that as the sand grouse had come it would go again, and would probably not become a permanent resident in this country. The object of this proposed clause was to afford a less cumbrous means of adding to the Schedule the names of birds which were in danger of becoming extinct and so to give them protection, without the necessity of passing a Bill through both Houses of Parliament for the purpose.

THE EARL OF KIMBERLEY: I will merely say that I think this is a very desirable clause.

THE EARL OF CAMPERDOWN asked whether it was intended to restrict this also to the eggs of birds, because he understood the noble Lord opposite to say there was a general desire in that direction, and that he himself thought, in order to protect the birds, it would be safe to restrict the Bill to the eggs. Of course, if that were so, a clause of this kind would not be in place.

LORD BALFOUR could only say that he did not agree with his noble Friend.

THE EARL OF WEMYSS said, his remarks applied to the Bill, and not to the clause proposed.

Moved a new Clause—

"(3) Providing that the Secretary of State, on the representation of the County Council, may order that the Act shall apply in places within that county specified in the order to any species of rare wild bird, or which is in danger of becoming rare."—(*The Lord Balfour.*)

Amendment agreed to.

*LORD BALFOUR said, it would be necessary to make some directions with regard to Clauses 5 and 6, but he would rather not move them at the present time. He would follow the example of the noble and learned Lord on the Woolsack, and reserve them for the Standing Committee.

Remaining Clauses agreed to.

Bill re-committed to the Standing Committee; and to be printed, as amended. (No. 149.)

BARBED WIRE FENCES BILL.—(No. 181.)

REPORT OF AMENDMENTS.

LORD MONKSWELL said, he proposed to put off the Report stage of this Bill until Thursday next, as the Amendments of noble Lords opposite had raised a question of importance, which he would like to consider.

Report of Amendments put off to Thursday next.

DUCHY OF CORNWALL BILL.—(No. 145.)

SECOND READING.

Order of the Day for the Second Reading, read.

*LORD PLAYFAIR said, this was mainly a continuing Bill. An Act was passed in 1863 for the management of the Duchy of Cornwall, and giving power to make sales of property for 31 years. That period would expire next year, and it was considered desirable to renew the power permanently, as it had been found of great use. Without such general powers a special Act would be necessary in each case. The Act had been found of great use in regard to the construction of harbours, railways, and for other public purposes, and also for the enfranchisement of copyholds. As every sale required the approval of the Treasury, and as all the funds must be invested under Treasury sanction, there seemed to be no reason why this power should not be continued. One other matter required to be mentioned, that power was given for the investment of moneys arising from sales upon trusts, other than those limited by the Act of 1863. The Bill asked for power in the Duchy of Cornwall to make investments in any trust funds that might be agreed to under the Trust Investment Act of 1884. As a Member

of the Council, he might state that they had found it inconvenient not to be able to put their trust monies in good securities, and he asked their Lordships' approval to that clause.

Bill read 2^a accordingly, and committed to a Committee of the Whole House on Monday next.

RAILWAY SERVANTS (HOURS OF LABOUR) BILL.—(No. 73.)

REPORT OF AMENDMENTS.

Amendments reported (according to Order).

***LORD BALFOUR** said, he had an Amendment, to add a Proviso at the end of Clause 1, that the Act should not apply to servants of a Railway Company who were not, in the opinion of the Board of Trade, directly or indirectly engaged in or concerned with the movement of traffic. Noble Lords who were present at the Standing Committee a few days previously when this Bill was considered would readily understand the reasons which actuated him in moving this Amendment. There were two classes of railway servants clearly distinguished by the noble Lord opposite (Lord Playfair) in moving the Second Reading of the Bill; those engaged in the actual movement of the traffic, and those employed by Railway Companies in other respects. As was pointed out in the discussion in Standing Committee, there had been a general agreement that Parliament had hitherto limited its interference with the hours of labour of adult men to those cases where it was justified either on grounds of public safety or of the health of those employed. It seemed to him important to safeguard the consistency of the Legislature in this matter, and not to depart from the principle so laid down unless for some grave and adequate reason. He would not say it should never be departed from. He could understand an argument founded upon some great and almost unanimous desire of persons engaged in a particular trade or occupation; but he need not go into any question of that kind upon the present occasion, and until it was raised in some definite form it seemed inexpedient to break down the principle on which Parliament had hitherto acted. It might be said, as regarded this Bill, there was acquiescence on the part of the Railway

Companies; but he was not speaking on their behalf, and was not particularly concerned with their acquiescence. What he had in view was, as he had explained, to safeguard the principle which the Legislature had consistently followed, up to the present time, as the guide for its action; and no amount of acquiescence on the part of the Railway Companies would safeguard that principle. As to the other point he had mentioned, it would not be denied that, as far as the large mass of railway servants working in factories were concerned, no indication of a desire on their part to come under the provisions of this Bill had been shown, and no inquiry whatever had been made as to the conditions under which they worked. A Commission sat for two Sessions on this subject, and took evidence with regard to those engaged in the actual working of the traffic; and he might say that the Members of that Commission, without exception, thought that a case had been made out, on grounds of public safety, for limiting the long hours which on some railways the men were sometimes kept at work. It was not wise to go into this matter unless after the most careful inquiry and consideration, and certainly those conditions were here wanting. When he raised this point in Standing Committee, another objection was made that it was impossible to be sure in drawing a distinction, on the one hand, including all engaged in the movement of the traffic, and, on the other, excluding all those not so engaged; and that there might thereafter be a dispute as to whether or not a particular class of servants were so engaged. As an illustration, upon some single lines of railway long stretches of line were worked on the block-telegraphic system; and certain places were arranged beforehand at which trains going in opposite directions were to pass each other. Sometimes those passing places were changed; but it was obvious that that could only be done on the authority of one person acting from headquarters. A great deal depended on the clearness of head and ability of that individual, and he was obviously a person who should not be required to work long hours. Whether he should be regarded in the eye of the law as engaged in the movement of the traffic or not was a doubtful

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point. To get over that difficulty, his Amendment proposed to place the decision of the question of fact, whether or not any particular class of railway servants was or not engaged in the movement of the traffic, entirely with the Board of Trade, so that there could be no possibility of litigation upon that point. He for one—and he believed the majority of their Lordships—would be quite satisfied to place the decision of that question absolutely in the hands of a public Department like the Board of Trade, which had every means of knowing and deciding upon the facts of the case. While, on the one hand, anxious to safeguard the consistency of the Legislature, he desired, on the other, to make it clear that he had no wish to hamper the working of the Bill. He accepted it most cordially, and hoped that noble Lords opposite would recognise that, whether the Amendment was agreed to or not, every desire had been shown on that side of the House not to hamper the authors of the Bill in their laudable object of providing for the safety of the public, and for the real interests of those concerned in the movement of traffic along our lines of railway. He hoped their Lordships would accept the Amendment.

Amendment moved at the end of Clause 1, page 2, line 24, to insert as a proviso—

("Provided that this Act shall not apply to any servant or servants of a Railway Company who are not in the opinion of the Board of Trade directly or indirectly engaged in or concerned with the movement of traffic.")—(*The Lord Balfour*.)

***LORD PLAYFAIR** was sorry to say that, being in charge of the Bill, he could not accept the Amendment. He admitted that it was very skilfully drawn, and that the object the noble Lord had in view was a laudable one, but in cases where it was difficult to define whether railway servants were or not engaged in the movement of the traffic the decision should be left to the Board of Trade. As the noble Lord would see on consideration, it would complicate the working of an otherwise very simple Bill. There would be great doubts in the minds of railway servants whether they had a standing before the Board of Trade at all as persons engaged in the movement of traffic for the purpose of

establishing an *à priori* case that they were overworked, or that their hours were unreasonable. They would have doubts whether they were included in the Bill, and whether, if they did apply to the Board of Trade, they would get much sympathy, because their occupation was not connected with the immediate working of the lines and the safety of the public. There were many classes of railway servants who would be in this difficulty. There were the platelayers, for instance, the signal fitters, and the telegraphists engaged in the blocking system. Under this Amendment they might think they were excluded. If the Amendment were accepted, various classes of railway servants would begin to doubt whether they were included in the Bill, and a system that was now extremely simple would become very complicated. The Committee to which the Bill was originally referred found that it ought to embrace all who were concerned with the active movement of the traffic, which, of course, would include signalmen and telegraphists. The Bill had been thoroughly considered by a Grand Committee of the House of Commons, which included the President and an ex-President of the Board of Trade and several representatives of railways. That Committee had all these things under their consideration, and they found it so difficult to exclude any one that they came to the conclusion that they must include all and trust to the Board of Trade so to work the Act that it would be enforced, practically, in favour of overworked railway servants who were concerned with the public safety. It would be unwise of their Lordships, without any inquiry, to alter the whole working of the Bill. It was not a compulsory, but a permissive Bill. Under it the Board of Trade would have large powers, and need not recognise any class of railway servants who, they thought, should not be included in the Bill. The effect of the Amendment would be to weaken the action of the Board of Trade. The reasonableness of its discretion would be called in question, and there would be constant appeals to the Railway Commission. The Railway Companies all over the country had accepted the Bill as it stood; and Lord Colville, who was a great authority in these matters, had said

in that House on the Second Reading that he hoped the Bill would go back to the Commons without any alteration at all. The opinion of the Railway Directors ought to have considerable influence with their Lordships that the Bill would not be worked in the form in which it was in any dangerous way.

***LORD NORTON** said, the only objection taken by Lord Playfair to the Amendment was that it would complicate the working of the Bill. The Amendment would not introduce any more reference to the Board of Trade. Could there be anything clearer than the distinction between, in the given instance, platelayers and platemakers? Platelayers were concerned with the risk of the traffic while the platemakers were not? Therefore, the platemakers, on the principle which the Legislature alone accepted, of interfering with hours of adult labour where the public safety was concerned, were distinguishable from the provisions of the Bill, which applied to the platelayers. The only admitted principle was to limit the hours of labour of those who were concerned in work which affected the public safety. To extend the principle indirectly to all adult labour would be giving the go-by to public opinion. The recognised principle strictly kept to would not involve a single appeal to the Railway Commission.

THE EARL OF WEMYSS sympathised with what had just fallen from his noble Friend — that legislative interference should rest on consideration for the public safety, and that it should, therefore, be confined to those who were concerned in working the traffic upon which the safety of the public depended. It had been said that the connection with the working of the lines might be direct or indirect; but his own impression was that it should be direct. According to the noble Lord in charge of the Bill, it included all who were employed by Railway Companies, and that by the Amendment the Board of Trade would be inconvenienced by the number of appeals to the Railway Commission if distinctions had to be made. It was better that the Bill should break down altogether than that it should embody this larger principle. No adequate reason had been given for introducing the thin end of the wedge in this way, and

he, therefore, trusted that Lord Balfour would stick to his guns. The Bill also introduced a new principle by coupling with the requirement of a sufficient interval of uninterrupted rest relief from Sunday duty. That House had nothing whatever to do with regulations affecting Sunday labour as distinct from overwork which affected the public safety.

THE LORD CHANCELLOR (Lord HERSHELL) : My Lords, I cannot think this Bill involves the important principle against which the Amendment is directed. The Bill has passed the House of Commons with the assent of many of those who are opposed to the interference of Parliament as a general rule with the hours of adult labour. They did not see in this Bill any such infringement of the general principle as rendered it, in their opinion, inexpedient to pass the Bill. It is not always easy—it is generally very difficult—to distinguish accurately between those who are concerned with the movement of public traffic and those who are not so concerned. Why should not a man who is engaged in making an engine be included in the scope of the Bill? If there should be anything wrong with an engine, that defect is quite as likely to lead to a dangerous accident as negligence in plate-laying, which it is admitted is connected with the movement of the traffic. Again, the public might be as seriously prejudiced by the making of bad plates as by laying them improperly. If an accident occurred, what satisfaction would there be in reflecting that great care had been taken in laying the plates properly, although there had been negligence in making the plates, the failure of one of which led to the accident? The safety of the public is the guiding principle, and you cannot say that one of these things is within the principle and the other outside it. In this case, moreover, legislation is desired by both employers and employed in relation to these occupations, and I submit that that fact removes any danger which otherwise might arise from admitting any principle of this sort. When both parties are content to leave this matter to the arbitrament of the Board of Trade where there is a difference between them, I think, my Lords, the House is really committing itself to no dangerous principle by passing the Bill.

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*THE MARQUESS OF SALISBURY : My Lords, we have heard a good deal of what are the opinions of past Presidents of the Board of Trade, Members of Committees, and Railway Directors, and I pay great respect to those opinions ; but I should like to hear a little more as to the opinion of the operatives in railway factories who would be affected by this Bill. I have been informed that operatives are opposed to being included in this Bill. I do not wish the House to take that upon my assurance, because I have not verified it ; but it is a conceivable fact, and, at all events, we have no evidence to the contrary. Of course, if the operatives in the factories desired that their hours should be limited the question would stand upon a different ground ; but, if that is not the case, just consider the injustice that would be done them. Suppose the case of men earning 1s. an hour and working now nine hours a day, and the Board of Trade resolved that they should henceforth work for eight hours only, what is the effect on them ? Why, it is levying upon them an Income Tax of 2s. in the £1. Surely before we do that we ought to have some clear assurance, not only from past Presidents of the Board of Trade, Members of Committees, and Railway Directors, that the people whose income and comfort would be so seriously affected if this limitation was brought into effect are in favour of it. There seems to me, therefore, very great cause for caution on the part of the House in adopting this extension. Remember, this was not the original object of the Bill. The original object was to provide for the safety of the public by insuring that those who were concerned in moving the traffic should not be employed for a greater length of time than is consistent with safety. If the Bill extends beyond that object to the operatives employed in the factories it extends in an accidental way, simply on account of the professed inability of the Members of Her Majesty's Government and the officials of the Board of Trade to draw what they think are fine distinctions. I should rather put the officials of the Board of Trade to that cerebral effort, and I am sure that they would find that their logical faculty is more acute than they imagine, and that they would be able to draw a satisfactory distinction between

what to the vulgar mind are very different classes of *employés*. The noble Lord opposite dwelt a good deal on the difficulty of a platelayer knowing whether he was included or not ; but he could find out by the simple plan of using the post and applying to the Board of Trade, who are absolute master in determining the fact whether a man belongs to one class or the other. So that the idea that any complication can occur in working, or that any difficulty can really arise in the minds of the *employés* as to which class they come within, is, I think, merely an argument which is really the last resource of a Department driven to desperation, and is not to be considered as a serious argument by your Lordships' House. I have great sympathy with the object of the Bill. I believe it is very important alike for railway *employés* and the travelling public ; but it is very undesirable, simply on account of a logical difficulty and the inability of a Government Department to grasp the niceties of the English language, that we should extend the Bill into a field it was never intended to touch. Slovenly legislation is a very dangerous thing ; and if we legislate further than the principle on which we are going justifies, by accepting a principle which we have not hitherto accepted, we shall find out some day that we shall be told the precedent is passed, that it is too late to argue the question, that the principle is admitted, and it will be forced upon you whether you wish it or not. On the whole, as a matter of precaution, it would, I think, be wiser to accept the Amendment of my noble Friend.

THE EARL OF KIMBERLEY : The noble Marquess has laid much stress on the fact, as he says, that a certain portion of these railway artisans are not in favour of the Bill. That is what he has told us ; but where, apart from the statement of the noble Marquess, to which, of course, I attach due weight, is the evidence that the artisans are not in favour of the Bill ?

*THE MARQUESS OF SALISBURY : I distinctly stated that I had no evidence—it was simply a rumour which had reached me ; but what I wished to press upon the House was that there was no evidence the other way.

THE EARL OF KIMBERLEY : I am glad it is reduced down to a rumour, and I hope we shall not legislate upon rumours. It is very curious that during the ample consideration which this Bill had in the other House, not one word was said about any indisposition on the part of the railway operative class that the Bill should not include them. I cannot help thinking that this is an argument brought forward at the last moment for what it may be worth; but it is not supported by any evidence whatever, and has really no substantial weight in the matter. The noble Marquess says that if we include these operatives we admit a dangerous principle. But what is the principle of the Bill? The principle of the Bill—and the noble Marquess laid it down perfectly accurately—is to provide for the safety of the travelling public. It is not a Bill to regulate the hours of labour. On that ground it would be extremely hazardous to insert in the Bill these fine logical distinctions. I cannot find in the Bill as it stands anything dangerous or unworkable, and I think it is wiser not to embarrass the Bill by fine-drawn clauses, but to leave it to the Board of Trade in every case to determine, in the interests of the public, whether or not any particular class of operatives are in such a position that they ought to have their hours of labour curtailed. My noble and learned Friend on the Woolsack has shown your Lordships that this is a matter in which there is great difficulty of interpretation; and I think this Amendment, so far from making it clear, would give rise to great obscurity in working the Bill. I, therefore, oppose the Amendment, and hope your Lordships will not accept it.

*LORD SHAND said, both sides of the House were entirely agreed upon what the principle of the Bill was—namely, that special provisions should be made to prevent railway servants who were engaged in the traffic on the lines being overworked—that it was desirable on grounds of public safety that their hours of work should be limited. But why go beyond that? It was most undesirable to go beyond the principle on which the Bill was admittedly based. The clause to which exception was taken might be held to apply to servants engaged in cleaning the carriages, attending the

waiting-rooms, and the like, who had clearly nothing to do with the working of the traffic. Railway servants engaged in the company's workshops or factories had no more to do with the traffic than if they were engaged in entirely different workshops. If the Bill were passed in its present shape it would be used hereafter in other ways; it would be said that the principle had been admitted that men working in factories might demand to have their work restricted to eight hours, and Parliament would be in a very unfortunate position if such a precedent were established. Under the Amendment the Board of Trade would decide whether men were directly or indirectly concerned in working the traffic. It appeared to him that the Amendment would introduce no ambiguity, would draw a sharp and clear line, and would prevent the introduction of a principle dangerous for future legislation.

LORD KELVIN thought if the Bill was accepted without this Amendment it would put the Board of Trade in an exceedingly difficult position in questions which might, and in all probability would, arise in reference to operatives employed in a Railway Company's locomotive factory. The Board of Trade might decide that their working hours were longer than was desirable, and yet they might be precisely the same number of hours as in private factories, where the same kind of work was done for the same Railway Company by the mechanics and engineers employed there. There seemed to be no more reason for interfering in the one case than in the other, and he should, on that ground, certainly support the Amendment.

On Question? their Lordships divided : Contents 64 ; Not-Contents 26.

Bill to be read 3^a on Thursday next.

LOSS OF REVENUE FROM LICENCES.

THE EARL OF WEMYSS said, he proposed to postpone for a month his question on the Notice Paper—To ask Her Majesty's Government whether, assuming the possibility under proposed legislation of the universal suppression of licences, they had calculated the loss that would thereby be caused to the Revenue; whether they would state the total estimated amount of such loss; and what measures of Imperial or local tax-

tion they had in contemplation whereby the deficit so created would be made good? That would give the Government time to frame a prospective Veto Budget; and to inform their Lordships and the country how they proposed to meet the future deficit.

SEA FISHERIES.

Message from the Commons for leave for the Lord Montagu of Beaulieu to attend to be examined as a witness before the Select Committee of that House.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 2) BILL.—(No. 258.)

House in Committee (according to Order): Amendments made: Standing Committee negatived: The Report of the Amendments to be received on Monday next.

HOUSING OF THE WORKING CLASSES (EDINBURGH) PROVISIONAL ORDER BILL.—(No. 347.)

House in Committee (according to Order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Monday next.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 5) BILL. (No. 346.)

House in Committee (according to Order): Bills reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Monday next.

WATER PROVISIONAL ORDERS (No. 1) BILL.—(No. 337.)

Read 2^a (according to Order), and committed to a Committee of the Whole House on Monday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 4) BILL.—(No. 115.)

Read 3^a (according to Order), with the Amendments, and passed, and returned to the Commons.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 5) BILL.—(No. 78.)

Read 3^a (according to Order), with the Amendments, and passed, and returned to the Commons.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 9) BILL.—(No. 116.)

Read 3^a (according to Order), with the Amendments, and passed, and returned to the Commons.

PIER AND HARBOUR PROVISIONAL ORDERS (No. 4) BILL.—(No. 129.)

Read 3^a (according to Order), with the Amendments, and passed, and returned to the Commons.

LAND TAX COMMISSIONERS' NAMES BILL.

Read 2^a (according to Order), and committed to a Committee of the Whole House on Monday next.

House adjourned at five minutes before
Six o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 16th June 1893.

The House met at Two of the clock.

MOTION.

LLANDRINDOD WELLS WATER ORDER.

MR. EDWARDS (Radnorshire) moved—

"That it be an Instruction to the Committee on the Water Provisional Orders (No. 2) Bill, that they have power to insert a clause into the Llandrindod Wells Water Order empowering the Llandrindod Wells Local Board of Health to purchase the Llandrindod Wells Water Company's rights, powers, privileges, works, and property at a price to be agreed upon by the parties, such prices in case of dispute to be settled by arbitration in the usual way."

He explained that he had altered the Instruction as it appeared on the Paper by the addition of the words "that they have power," the alteration being made with the view of making the Instruction a permissive one instead of a mandatory one.

Question put, and agreed to.

QUESTIONS.

GOVERNMENT CONTRACTS AT
DEVONPORT.

MR. KEARLEY (Devonport): I beg to ask the Postmaster General whether his attention has been called to an allegation to the effect that the contractor for painting the letter boxes at Devonport is infringing the Government contract conditions by not paying the standard rate of wages of the locality; and, if so, whether he is prepared to state the results of his inquiries as to its truth or otherwise?

THE POSTMASTER GENERAL (Mr. A. MORLEY, Nottingham, E.): Yes, Sir; my attention was called to the subject by a letter from my hon. Friend; but, on inquiry, I am informed by the tradesman employed to paint the street letter boxes at Devonport that the man who performs the work is paid the Union rate of wages.

LEITRIM PARLIAMENTARY REGISTER.

MR. COLLERY (Sligo, N.): In the absence of the hon. Member for North Leitrim, I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that Mr. James Faris, Clerk of the Peace for the County of Leitrim, neglected, at the last Presentment Sessions for the county at large, to enter a presentment for the printing of the Parliamentary Register of the county for the coming year; is there any rule in existence in Ireland requiring Clerks of the Peace to call for tenders for the printing of county registers, and to leave the contracts open to public competition; and will he, in the interests of the cesspayers, be good enough to order an inquiry into the action of Mr. Faris in regard to the printing contract for the County Leitrim Parliamentary Register in this and previous years?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): There is no statutory enactment or rule requiring the Clerk of the Peace to advertise for tenders for the printing of the Parliamentary Registers. The Grand Jury are the Body whose business it is to protect the interests of the cesspayers in matters of this kind, and I am not aware that the Government are called upon or entitled to interfere.

THE INDIAN MINTS.

SIR W. HOULDSWORTH (Manchester, N.W.): I beg to ask the Under Secretary of State for India if the Government of India has power to close the Mints in India to silver from the public as an administrative act without legislation?

THE UNDER SECRETARY OF STATE FOR INDIA (Mr. GEORGE RUSSELL, North Beds.): No, Sir; supposing it were determined to close the Mints, an Act of the Legislative Council of India would be required; but, pending such legislation, the Government could, by an administrative act, extend the period for which certificates for the delivery of silver coin should run.

ACCIDENT TO A CORK POLICE
PENSIONER.

MR. BODKIN (Roscommon, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the case of Thomas Butler, police pensioner, who was so severely injured by a gunshot wound accidentally inflicted by a comrade whilst on duty, at a police station in County Cork, that his forearm had to be amputated, and who was thereupon discharged on a pension of £10 16s. 8d. per annum; whether he is aware that Butler is now residing, in absolute penury, precariously supported by his friends, near Strokes-town, in the County of Roscommon; and whether he will take steps to ameliorate as far as possible his position?

MR. J. MORLEY: I would ask the hon. Member to be good enough to repeat this question on Monday next, when I hope to be able to give him a reply.

AFFIRMATION BY JURYMEN.

MR. H. J. WILSON (York, W.R., Holmfirth): I beg to ask the Secretary of State for the Home Department whether his attention has been directed to a report of *The Wellington Journal* of 10th June, from which it appears that on the previous Monday Mr. Clarke, the Coroner at Shrewsbury, refused to allow Mr. Overy, who was summoned as a jurymen, to make an affirmation, though he stated he was "forbidden by the New Testament to swear," stating that the jurymen would sit in the room until the

jury is dismissed, and that he would be put on every time; and whether Mr. Clarke was acting within his duty?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): I have made inquiry, and the Coroner does not appear to have been aware of, or at any rate to have observed, the requirements of the Oaths Act, 1888 (51 & 52 Vict., c. 46), and to have supposed that the juror was only making an excuse to avoid service; but his attention will be called to the Act, and he will be cautioned as to a due compliance therewith in future.

REGISTRATION OF TITLES IN COUNTY MAYO.

MR. J. F. X. O'BRIEN (Mayo, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he can state the number of holdings in County Mayo in respect of which applications were made before 1st January last to have the titles registered under the Local Registration of Title (Ireland) Act, and which titles have not yet been registered; and if he will explain the cause of delay?

MR. J. MORLEY: I am informed that applications were lodged in respect of 290 holdings in Mayo prior to 1st January last, and that none of these have as yet been registered. The applications from Mayo were lodged very late; the first application was not received until September last, and only 29 were lodged before the 1st December, 1892. The cause of the delay in registration appears to be due partly to the low place which the Mayo cases occupy in the already heavy list of cases awaiting registration, and partly to the apathy of the applicants themselves in replying to requisitions sent out from the Office of the Registration of Title.

MR. J. F. X. O'BRIEN: When may my constituents expect to get this settled? Many of the titles have been sent in since last November.

MR. J. MORLEY: I have answered the question on the Paper. I will communicate any further information to the hon. Gentleman privately.

THE CASE OF MR. CLUNE, J.P.

MR. THEOBALD (Essex, Romford): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland what steps

have been taken by the Lord Chancellor in the case of Mr. John Clune, who was appointed a Magistrate for Limerick by the present Government, in consequence of his having presided at a meeting at which a so-called landgrabber was denounced and boycotting resolutions were passed?

MR. J. MORLEY: The Lord Chancellor for Ireland informs me that the matter is still the subject of investigation. It is perfectly reasonable that time should be given to the Magistrate to make his explanation.

MR. THEOBALD: I will repeat the question next Tuesday.

"BURNS V. THE 'BELFAST EVENING TELEGRAPH.'"

MR. T. W. RUSSELL (Tyrone, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the case of "Burns v. The Belfast Evening Telegraph," tried before Mr. Justice Gibson and a special jury, in Dublin, on the 2nd and 4th instants, and reported in *The Belfast News Letter* of the 3rd and 5th; whether he is aware that at this trial it was proved that on the occasion of the West Belfast election, in July last, a person named Kearney, who was then acting as secretary of the Belfast branch of the National Federation, marked on the list of voters the names of dead, absent, and sick men, and handed the list to three men named M'Ginley, Carberry, and O'Neill, with instructions to have them personated; whether a large number of personators were arrested on the polling day; and if he can say how many pleaded guilty when brought to trial; whether it has been brought to his notice that Mr. Justice Gibson in his Charge to the jury declared that there had, if the jury believed the evidence, been arrangements for wholesale personation under the direction of the National Federation through their secretary; whether it is true that Kearney has, since the election, been appointed to any public office; and if he can say by whom he was recommended to the Government for the appointment; and if the Government intend to take any action in regard to the parties involved in the evidence given at the trial in question?

Mr. J. MORLEY : I understand that evidence to the effect stated in the second paragraph of this question was given by a man named Bloomer. Bloomer virtually described himself as an accomplice in the offence which he charged against the persons named. His evidence was not corroborated; and as the parties charged by him were neither parties to, nor witnesses in, the action, they had no opportunities of refuting what was alleged against them. Bloomer at the time of the trial was in the employment of the defendants in the action. A large number of personators, 15 in all, were arrested on the polling day, of whom 11 pleaded guilty at the Assizes and four were discharged. The observations of Mr. Justice Gibson, in his Charge to the jury, are understood to have been made on the evidence of Bloomer; but, as already pointed out, Bloomer admitted himself an accomplice, and his evidence as an accomplice, being uncorroborated, could not be acted upon in a criminal prosecution. Kearney, I believe, is now acting as collector of Income Tax. The Attorney General for Ireland is of opinion that there is no adequate evidence to warrant a prosecution of the persons named by Bloomer, the truth of whose evidence is denied by the persons implicated.

Mr. T. W. RUSSELL : I desire to ask the right hon. Gentleman whether the jury, in giving a nominal verdict for the plaintiff, with a farthing damages, instead of the £6,000 he claimed, did not at all events show that they—

Mr. SEXTON (Kerry, N.): I rise to Order. I submit that this is not the kind of inference which ought to be put in the form of a question. As this question raises grave charges against a gentleman residing in my late constituency, I will ask first, with regard to Mr. Bloomer, is it true that he was taken into the service of the defendant newspaper whilst the defence was in preparation; secondly, did Mr. Kearney have no opportunity whatever of giving evidence; thirdly, is it true that the three men, Kearney, Carberry, and O'Neill, having been subpoenaed by the defendants, and being present in Court, were not called by the defendants, and had consequently no opportunity of giving evidence; fourthly, is the right hon. Gentleman aware that these men

were prepared to prove their innocence on oath; fifthly, does he know that two of them could neither read nor write; and, sixthly, was not the list of voters prepared in the ordinary way, and, as at every election, with the object of preventing personation by either side? Finally, I am requested by Kearney, as the charge is made against him in a place where he cannot defend himself, to invite the hon. Member for South Tyrone to repeat his statement in a place where, as he is in this House, he will not be sheltered by privilege.

Mr. J. MORLEY : Naturally, I cannot answer all the questions of detail which my hon. Friend has addressed to me, but I have received from Kearney a communication which bears out some of the statements which the hon. Gentleman has made. I will, however, make further inquiry.

GUARANTEES FOR NEW TELEGRAPH OFFICES.

Mr. MACFARLANE (Argyll) : I beg to ask the Postmaster General if there are no exceptions to the Post Office Regulation, which requires a guarantee of the whole cost of the establishment of a new telegraph office; and whether, in the case where there is a large but poor population, such as the Island of Luing, in Argyllshire, he could accept a guarantee amounting to £35, that being the maximum sum they have been able to subscribe amongst a population numbering 800?

Mr. A. MORLEY : In reply to the hon. Member, I have to say that a guarantee for a new telegraph office is never required where it is estimated that there will be sufficient revenue to cover the expenses. Even where it appeared that there would not be sufficient revenue, telegraph offices have been established in a few cases where Imperial considerations justified Her Majesty's Government in setting aside the Regulations which have been laid down for the guidance of my Department. For instance, in the last financial year, the telegraph was extended to certain remote places in the Highlands and Islands of Scotland without guarantee out of money provided for the purpose in the Vote for the Fishery Board for Scotland. In the absence of any special provision, I regret that I am unable to extend the telegraph to Luing,

in Argyllshire, except under a guarantee of £60 a year, as I have already informed the hon. Member; and I think it has been explained that this does not mean that £60 a year would have to be contributed by the guarantors, but merely that the difference between the actual receipts and that sum would have to be made good. Thus, if the actual receipts in any year were £25, the guarantors would only have to pay at the end of that year £35.

MR. MACFARLANE: Seeing that this is a district with a very poor population, could not the Regulation be modified in this case?

MR. A. MORLEY was understood to reply in the negative, and to suggest that application should be made to the Secretary for Scotland.

IRISH MAILS.

MR. HORACE PLUNKETT (Dublin Co., S.): I beg to ask the Postmaster General whether the evidence given in the recent arbitration between the General Post Office and the Dublin Junction Railway Company as to the number of bags of mails which daily pass over the Dublin Junction Railway—namely, an average of 29 bags from Ireland for distribution in Great Britain and of 98 bags from Great Britain for distribution in Ireland, is correct; and if so, whether, in estimating the loss which, by the Return lately issued by the Treasury, was shown on the working of the Irish Post Office, the Treasury had taken into consideration the very much larger number of letters and other postal packets sent from Great Britain to Ireland than sent from Ireland to Great Britain?

THE CHANCELLOR OF THE EXCHEQUER (Sir W. HARCOURT, Derby): I will answer this question. I can only say that the evidence referred to constitutes no guide as to the total amount of the correspondence between Great Britain and Ireland.

VACANT COUNTY COURT JUDGESHIPS.

COLONEL LOCKWOOD (Essex, Epping): I beg to ask the Secretary of State for the Home Department when the vacancies in the Bow and Somerset County Courts are to be filled?

MR. ASQUITH: The case of the Bow County Court vacancy will be dealt with as soon as we have received a

Report from the Committee to which has been referred the question of the desirability of decreasing the number of County Court Judges in and near the Metropolis. The Somerset County Court vacancy will be filled up by the transfer of one of the Judges from the Welsh Circuit.

THE CASE OF WILLIAM DAVIDSON.

MR. FLYNN (Cork, N.E.): I beg to ask the Chief Secretary to the Lord Lieutenant whether his attention has been called to the proceedings at Ballyclough (County Cork) Petty Sessions on Monday, the 5th instant, when a lad, Michael Higgins, aged 15 years, who was charged with assaulting and intimidating a boy named William Davidson, was sentenced by the Magistrates to 14 days' imprisonment and to be sent to a reformatory for a period of three years; is he aware that the solicitor for the defence applied to have the term of imprisonment increased, to give him an opportunity for appealing, and was refused; and, if so, were the Magistrates justified by law in refusing this appeal; under what Statute or authority were the Magistrates justified in sentencing this lad to three years in a reformatory for a first offence of this kind; and whether an immediate inquiry will be made into all the circumstances of the case?

MR. J. MORLEY: The facts are substantially as stated in the first paragraph of the question. The conviction was under the Reformatory Schools (Ireland) Act, 1868. Disturbances had for some time existed in the locality. The young offender was one of the ringleaders. When these disturbances have wholly ceased it will be open to the boy's father to memorialise for his discharge, giving, at the same time, an undertaking for his future good behaviour. I have no information as to whether the Magistrates refused to increase the sentence of 14 days' imprisonment. An appeal from a Magistrate's order committing to a reformatory can be made as of right to the ensuing Quarter Sessions under the Reformatory Schools (Ireland) Act—namely, 31 & 32 Vict., c. 59, sec. 12.

MR. FLYNN: Was not this a case of mere assault, and why was it brought under an Act which, as I understand, is

aimed solely at criminal offences? Is the right hon. Gentleman aware that the condition of things at the place has improved, that peace has been restored, and that the children do now go to school? Is he aware that a Memorial has been sent to the Lord Lieutenant praying that the boy may not be compelled to undergo the severe punishment of three years' detention in a reformatory school.

MR. J. MORLEY: I hope it is true that the children are now in full attendance at school. The case, I assure the hon. Member, has my attention, and if circumstances justify it the boy will certainly be released.

MR. FLYNN: But this boy is to go to the reformatory school on Tuesday next, and if that is allowed the stigma will rest on him all his lifetime.

MR. J. MORLEY: I should be sorry to think that any stigma should rest on him on account of the conduct charged against him. But I may remind the hon. Member that the boy has already been 14 days in prison; therefore, any stigma that may accrue has been already incurred, and the reformatory will not add to it. I will give the case close attention.

MR. SEXTON: Were the Magistrates justified by law in refusing to allow the case to go to a Superior Court?

MR. HUNTER (Aberdeen, N.): Is the right hon. Gentleman aware that it is only customary to inflict reformatory sentences in cases of dishonesty, and that they are altogether inapplicable to cases of this nature?

MR. J. MORLEY: I think I must stand by the proposition I have already stated. The case has my close attention. I may add that from the first it has struck me as being one for inquiry. If the district has become quiet and remains so, I do not think hon. Members will have any fault to find with the action of the Government.

ELECTRICAL COMMUNICATION WITH LIGHTHOUSES.

MR. MUNRO FERGUSON (Leith, &c.): I beg to ask the Chancellor of the Exchequer whether he has received any further representations from the Board of Trade regarding a grant to carry out the recommendations of the Electrical Communication of Lighthouses, &c. Commission, and whether any grant has

Mr. Flynn

yet been arranged to enable the Post Office and Lighthouse Authorities to carry out these recommendations in whole or in part; whether he can state what lightships or rock lighthouses, if any, are to be forthwith connected with the telegraphic system; and whether any such connections will be made during the present most favourable season of the year—namely, the summer months?

SIR W. HARCOURT: A cable is almost immediately to be laid to Lundy Island. Communication is authorised to 16 shore lighthouses, and to some of them has been completed. The lightships and rock lighthouses will be taken in hand when means are available.

PALMISTRY.

MR. A. C. MORTON (Peterborough): I beg to ask the Secretary of State for the Home Department whether his attention has been called to an advertisement in *The Daily Telegraph* headed "Palmistry;" and whether he will take means to put a stop to this form of fortune telling, so as to treat all classes alike?

MR. ASQUITH: My attention has been called to this advertisement by my hon. Friend's question. By the Vagrant Act, 1824, every person using any subtle craft, by palmistry or otherwise, to deceive or impose on any of Her Majesty's subjects is to be deemed a rogue and a vagabond, and to be subject on conviction to imprisonment. The mere practice of palmistry is not, so far as I am aware, illegal; the essence of the offence created by the Statute is the intention to impose, and the object is to protect the young and the ignorant. The police have instructions to watch cases of suspicion, and whenever there is good ground for believing that fraud or imposition is being practised they will be directed to prosecute.

MR. A. C. MORTON: Will the police inquire into this particular case?

[The question was not answered.]

DECORATIONS FOR VOLUNTEER NON-COMMISSIONED OFFICERS.

MR. BARTLEY (Islington, N.): I beg to ask the Secretary of State for War whether anything is yet decided concerning the proposed recognition, by some decoration or otherwise, of non-

commissioned officers of the Volunteers of long standing ?

THE SECRETARY OF STATE FOR WAR (Mr. CAMPBELL-BANNERMAN, Stirling, &c.) : I can only assure the hon. Gentleman that the matter has not been lost sight of.

THE PAWNING OF PENSION PAPERS.

MR. HANBURY (Preston) : I beg to ask the Secretary of State for War whether his attention has been called to the very frequent practice among Army pensioners of pawning their pension papers and borrowing money on them at very high interest ; whether this practice is illegal ; and whether he has considered the advisability of further protecting such pensioners by requiring them to send in their ring papers in addition to their life certificates before receiving their pay, thus leaving the pawnbroker without his present security for making such loans ?

***THE FINANCIAL SECRETARY TO THE WAR OFFICE** (Mr. WOODALL, Hanley) : The attention of the War Office is continually called to this most reprehensible practice. For any person to receive or detain a pensioner's life or identity certificate is illegal ; and though it is not illegal for the pensioner to pawn them, his doing so renders him liable to fine or forfeiture of pension. It should be fully understood by both parties to these transactions that it is the intention of Her Majesty's Government to prosecute and punish to the full extent allowed by law ; but, beyond this, no steps can be taken to protect pensioners from their own folly. A pensioner already has to produce his identity (or "Ring") certificate to the authority who certifies his pension paper.

THE CAROGH ORPHANAGE.

MR. HORACE PLUNKETT : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he has been informed that the Rev. S. G. Cotton, incumbent of the parish of Carogh, County Kildare, who was recently convicted of gross cruelty to, and neglect of, the inmates of the Carogh Orphanage, and who was sentenced to six months' imprisonment and a fine of £400, is now out of prison and is again conducting an orphanage ; whether he is aware that the Rev. S. G. Cotton's effects were recently seized for payment

of the fine ; and whether, under the circumstances, he will cause such orphanage to be officially inspected ?

MR. J. MORLEY : As far as the police have been able to ascertain, there are two children at this so-called orphanage. The Rev. Mr. Cotton recently informed the District Inspector of Police that he had three other children in the place ; but when that officer asked to be allowed to see these children he was directed by the rev. gentleman to leave the premises. The District Inspector has been informed by Government that if any person acting in the *bonâ fide* interest of any child at this place will make an information, pursuant to the Prevention of Cruelty to Children Act, 1891, that there is reasonable cause to suspect that the children, being under the statutable age, have been or are being ill-treated, or neglected, in the Carogh Orphanage, it will be competent for a Magistrate to issue a warrant to search for the children. Should it turn out that the children have been ill-treated or neglected the proceedings indicated by Section 6 of the Act can then be taken.

JUDGE KELLY AND THE STATE OF CLARE.

MR. W. JOHNSTON (Belfast, S.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he has seen the remarks of Judge Kelly on the state of Clare, made on Monday last, as reported in *The Freeman's Journal* of the 14th instant, saying that—

"He did not believe that in any country in the world such a state of things existed as in that county. . . . Trial by jury there was a farce. The jurors were canvassed in Court, and when they went out or went home they drank with the prisoners ; . . . that he would try no case by jury ; that it was perfect nonsense to do so there, and a disgrace to the County Clare ;"

and whether he proposes to take any steps, by change of venue or otherwise, to remedy this state of things ?

MR. W. REDMOND (Clare, E.) : Is it not a fact that there were only three cases brought before Judge Kelly ; that those three cases were sent to the Assizes ; that no jury was empanelled ; that Judge Kelly tried no case ; and that there is not the slightest ground for these statements ?

MR. DODD (Essex, Maldou) : I will ask the right hon. Gentleman further whether he will cause inquiry to be made

as to whether Judge Kelly used the words as reported; and, if he did, will he call the attention of the Lord Chancellor to the matter, and invite him to consider the conduct of the Judge?

MR. T. W. RUSSELL: Will the right hon. Gentleman also say whether the Lord Chancellor has any control whatever over Chairmen of Quarter Sessions?

MR. J. MORLEY: I have not had time, since the question was put on the Paper, to examine into the circumstances or the remarks the learned Judge is reported to have made. Of course, the state of things in this county is always, and in every aspect, a subject of serious consideration.

MR. W. JOHNSTON: I will put the question down for Thursday.

MEMBERS AND THEIR CORRESPONDENCE.

MR. BODKIN (Roscommon, N.): I beg to ask the Postmaster General whether, having regard to the recent Resolution of the House of Commons declaring that Members of Parliament are entitled to reasonable remuneration for their labour, loss of time, and necessary expenses in the Public Service, he will give favourable consideration to some arrangement by which they may at least be partially relieved from the expense of the postal correspondence necessary for the proper discharge of their duties; whether, with this object, he will consider the advisability of extending the system that already prevails in Public Departments, by providing a special impressed stamp to be applied to all letters of Members posted unstamped within the precincts of the House of Commons; and whether he will ascertain, as nearly as possible, the small loss that such an arrangement would entail on the Post Office, and will consult with the Chancellor of the Exchequer as to the best means of making good the same?

MR. A. MORLEY: I have no doubt that the decision of the House of Commons on the question of payment of Members was influenced, to some extent, by the consideration of the expense incurred by Members in connection with the large amount of correspondence imposed upon them. Up to 1840 Members had the right to frank letters; but this practice led to so much abuse that by an Act of

that year (3 and 4 Vic. c. 96) it was provided that except in certain specified cases—

"All privileges whatsoever of sending letters by the post free of postage, or at a reduced rate of postage, shall wholly cease and determine."

Under these circumstances an Act of Parliament would be required to repeal the Act of 1840, and in view of the reasons which led to the passing of that Act I am not prepared to recommend or support such a step.

MR. BODKIN: Arising out of that answer, may I ask the right hon. Gentleman if in the case of Public Departments Ministers are excluded from the operation of the Act, and are permitted practically to send out letters free? Could not the same privilege be granted to every Member of the House? Again, in regard to the abuse which it was found necessary to remedy by Act of Parliament, was it not the practice by which Members were allowed to frank the letters of their friends? Would the same objection apply to letters posted within the precincts of the House?

MR. HENNIKER HEATON: Has the right hon. Gentleman any knowledge of what would be the cost of the reform suggested by the hon. Member?

MR. A. MORLEY: No, Sir. The hon. Member for Roscommon is mistaken in thinking the heads of Public Departments have the right of free postage. The stamping is only dispensed with by arrangement with the Postal Authorities.

MR. BODKIN: Would not a similar arrangement be possible in the case of all Members of the House of Commons. The right hon. Gentleman has not answered my question as to the cost.

MR. A. MORLEY: I have stated that I am not prepared to recommend or support any such legislation, and it is not, therefore, necessary to get an estimate of the cost.

MR. BODKIN: May I press the right hon. Gentleman to consult—

MR. SPEAKER: Order, order!

"ROUSE YE, ULSTER."

MR. WOLFF (Belfast, E.): I beg to ask the Secretary of State for War whether he is aware that the song, "Rouse ye, Ulster," which has been played in public by many regimental bands, has been forbidden to be played by the band of the Coldstream Guards;

and whether such prohibition is by order of the Horse Guards, or by order of the officer commanding the regiment?

*MR. CAMPBELL-BANNERMAN: The officer commanding the Coldstream Guards reports that he has forbidden the bandmaster of the regiment under his command from playing the song entitled "Rouse ye, Ulster," as he considered that it had a political significance; and the General commanding the Home District informs me that he entirely concurs in this action. I feel sure that the House will approve of the decision of these officers. I have myself no knowledge of this song; but so far as one can discern, under the bad grammar of its title, it seems to be an appeal, on one side or the other, to political passion; and I will endeavour, so far as I can, to discourage the participation by military bands in any expression of political feeling.

MR. MACARTNEY (Antrim, S.): I wish to ask the right hon. Gentleman whether he will recommend that Volunteer and Army bands shall cease to play "The Wearing of the Green;" and whether he can distinguish between one and the other?

*MR. CAMPBELL-BANNERMAN: With very little knowledge of what this music-hall song may be, I think I can distinguish between the two, and I will deal with each case as it arises.

MR. MACARTNEY: Will the right hon. Gentleman consider the case of "The Wearing of the Green" if I bring it before him?

MR. CAMPBELL-BANNERMAN: If the hon. Member brings before me any tune or song which involves a direct appeal to political passion I shall be happy to consider it. [*Cries of "Sing it!"*]

MR. SPEAKER: Order, order!

MR. W. JOHNSTON: Is the right hon. Gentleman aware that the chorus of the question is—

"Shall we from the Union sever?
By the God who made us, never."

GREENWICH AGE PENSIONS.

MR. KNATCHBULL-HUGESSEN (Kent, Faversham): I beg to ask the Chancellor of the Exchequer whether the Government still decline to give effect to the promise given on the 16th of March last with respect to the Greenwich age pensions?

SIR W. HARCOURT: The Government have not declined to give effect to the promise made by them on the 16th of March with respect to the Greenwich age pensions. I am considering with the Admiralty how the matter can best be dealt with, with a sincere desire not to disappoint the hopes that have been held out.

MR. KNATCHBULL-HUGESSEN: In consequence of the answer just given, I beg to give notice that I will call attention to the matter on the Navy Estimates if we ever reach them.

MR. KEARLEY: Does the right hon. Gentleman accept the statement of the Civil Lord of the Admiralty as to the promise of legislation, so as to give effect to the recommendations of the Select Committee?

SIR W. HARCOURT: If the hon. Member will look at the answer given by the Civil Lord of the Admiralty he will see what was said. He seems to have put this question without examining that answer.

FEMALE TYPISTS IN GOVERNMENT OFFICES.

MR. LABOUCHERE (Northampton): I beg to ask the Chancellor of the Exchequer whether, in view of the following answer given by his predecessor, Mr. W. H. Smith, on 25th July, 1890, to the late Mr. Bradlaugh, that

"The employment of female typists has been as yet experimental, and Departments have made their own selection of typists. There is little doubt that this form of labour will be generally adopted in the Public Service, and the Treasury will have to consider the general conditions under which female typists will be employed,"

he can state under what conditions it is intended to employ them; and whether it is intended to make these appointments after competitive examination, and to put those who are employed on the permanent staff of the Civil Service, with its attendant privileges?

SIR W. HARCOURT: The matter is still under consideration.

THE TEMPERATURE IN THE HOUSE.

MAJOR RASCH (Essex, S.E.): I beg to ask the First Commissioner of Works whether he is aware that on 15th June the temperature rose to 69 inside the House; and whether, by the obvious method of opening windows or otherwise,

the atmosphere and temperature might be made more tolerable?

***THE FIRST COMMISSIONER OF WORKS** (Mr. SHAW LEFEVRE, Bradford, Central): I am aware that the temperature yesterday inside the House was high; but in the shade outside it was still higher. The state of the atmosphere in the House could not have been improved by any such measure as the opening of the windows.

PRECAUTIONS AGAINST CHOLERA.

MR. TANKERVILLE CHAMBERLAYNE (Portsmouth): I beg to ask the First Lord of the Treasury whether, in view of the re-appearance of the cholera in France, and the serious danger of it reaching this country, he will afford facilities for discussing the question as to what precautions should be taken by Her Majesty's Government to effectually protect our coasts?

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. H. H. FOWLER, Wolverhampton, E.): Perhaps I may be allowed to answer this question. The Department responsible to the House and the country for taking precautions against cholera is the Local Government Board. That Board has the advice of the most competent and experienced experts in the Kingdom on this question; and, so far as the precautions taken last autumn are concerned, I believe both the House and the country were satisfied with the course which the Board pursued. I can conceive no course more prejudicial to the public interest than a discussion in the House of the precautions to be taken. The Local Government Board feel that the responsibility of their position is very great; and they are prepared to carry out those precautions which, on the best and most competent authority, they believe to be necessary.

MR. CHAMBERLAYNE: May I explain why I put the question? A deputation from the seaport towns has already waited upon the Chancellor of the Exchequer; and, in consequence of his answer not being satisfactory, it was thought that the only course open to us was to appeal to the House.

MR. HARRY FOSTER (Suffolk, Lowestoft): May I ask whether it is not a fact that, however competent the Department may be to advise, they

have no power to compel Local Authorities to carry out their advice?

MR. H. H. FOWLER: I think it is inadvisable to discuss, in the form of question and answer, the powers of the Central and of the Local Authorities. But if the Local Government Board think it desirable to ask the House to give them further powers by legislation they will not hesitate to do so.

HOME CHARGES PAID BY INDIA.

MR. MACFARLANE: I beg to ask the First Lord of the Treasury if, the Indian Currency Commission having concluded its deliberations, he will now consent to the appointment of a Committee to inquire into the question of the Home Charges paid out of the Revenues of India?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): I cannot consent to the appointment of the suggested Committee. We are awaiting the opinion of the Government of India on the Currency Report, and can do nothing until we receive that.

MR. MACFARLANE: This has nothing to do with the currency question. I simply ask for an inquiry into the Home Charges paid by India.

MR. W. E. GLADSTONE was understood to say that nothing could be done in the matter at present.

THE ROYAL MARRIAGE.

MR. DALZIEL (Kirkcaldy, &c.): I beg to ask the First Lord of the Treasury whether the Government have yet come to any decision with regard to the proclamation of a public holiday on the occasion of the Royal wedding?

MR. W. E. GLADSTONE: We have had opportunities, I think, of sufficiently considering the subject and of estimating the state of public feeling; and we are convinced that there is no such general desire existing as would justify us in proclaiming a public holiday.

THE SCOTCH SUSPENSORY BILL.

MR. HOZIER (Lanarkshire, S.): I beg to ask the First Lord of the Treasury whether the Government propose to proceed with the Suspensory Bill for the Church of Scotland, or to adopt instead the Disestablishment Bill of the

hon. Member for the College Division of Glasgow?

MR. W. E. GLADSTONE: I can only repeat the answer which I have been obliged to give on several occasions, that we can give no further intimation of our views and intentions with regard to what I may call the Queen's Speech Bills until further and effectual progress has been made with the Government of Ireland Bill.

THE FINANCIAL CLAUSES.

MR. GOSCHEN (St. George's, Hanover Square): May I ask the First Lord of the Treasury whether, in view of the discussion of Clause 9, he can undertake, now that the figures have been ascertained, that the Financial Clauses will soon be in the hands of hon. Members? It is very important that we should be able to consider these clauses in relation to the question of the position of the Irish Members in the Imperial Parliament. If there is to be any change in these clauses, I hope my right hon. Friend will say how soon we may expect to see them.

MR. W. E. GLADSTONE: I confidently hope to be able, in the course of a very few days, to state the effect of the proposed Financial Clauses. My right hon. Friend will be aware that, altering, as they do, questions of money charge, it becomes necessary very carefully to consider the best mode of introducing changes of that kind into the Bill.

THE HOME RULE BILL.

SIR E. ASHMEAD-BARTLETT (Sheffield, Ecclesall): May I ask you, Mr. Speaker, if it is possible to have printed at the head of the list of Amendments issued daily the text of the clause under discussion? It would be a very great convenience, and not materially add to expense.

***MR. SPEAKER:** I have had no intimation that that is desired; but if it be the general wish I shall be happy to give instructions to have it done at once.

THE SEAL FISHERY BILL.

MR. W. E. GLADSTONE: This Bill makes provision for the execution of an arrangement with Russia, which it is desirable we should put forward at once, and I propose to report Progress on the Home Rule Bill

about 11 o'clock on Monday evening in order to take the Second Reading of the measure. There is no difference of opinion on the subject, but it is right that the House should have an opportunity of considering the Bill.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 15th June.*]

[TWENTY-SECOND NIGHT.]

Bill considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 4 (Restrictions on powers of Irish Legislature).

THE CHAIRMAN ruled the following Amendments out of Order, namely—

Mr. Butcher (York)—Page 2, line 31, after "law," insert "as such law now exists or as the same may from time to time be altered by Act of Parliament."

Mr. Harry Foster (Suffolk, Lowestoft)—Page 2, line 31, after "law," insert "under the laws of the Imperial Parliament."

***MR. GERALD BALFOUR** (Leeds, Central) had the next Amendment on the Paper, as follows:—

Page 2, line 31, after "law," insert "in accordance with the settled principles and precedents of judicial procedure unalterable save by the Parliament of the United Kingdom."

He said that he proposed to move the Amendment in a form slightly different from the form in which it appeared on the Paper, namely—

After "law," insert "in accordance with settled principles and precedents of judicial procedure, unalterable by legal enactments other than those of the Parliament of the United Kingdom."

He would hardly have ventured, as a layman, to intervene in the Debate were it not for the fact that he had powerful intercessors in the Attorney General and Solicitor General. The sense of this Amendment was the sense which these hon. and learned Gentlemen had put upon the expression "due process of law," and the words of the Amendment were really the words used by them in the Debate the previous night. A great deal had been said about the dangers of definition. They had been told that these words "due process of law" never had been defined, and never would be defined.

The Chancellor of the Duchy of Lancaster went so far as to say that they could not be defined, and that they ought not to be defined, because definition would destroy their value. Of course, if these words could not be defined, it would be unreasonable for any Member of the Committee to ask that a definition should be placed in the Bill. He did not demand impossibilities; his request was a much humbler one. He did not ask for a definition; he asked for an indication—for something in the nature of a sign-post, which would prevent the Irish Judges, or any other Judges who might have to interpret the words in the future, from going astray by following English decisions rather than the interpretation of the American jurists. What he desired was that the Judges should have, as it were, a compass to guide them on this mysterious sea of legal interpretation; and for the words of his Amendment which, he hoped, would provide such a compass, he had gone to the Attorney General and the Solicitor General themselves. Two questions had arisen in the course of the Debate upon this subject. The first was, "What was due process of law?" By that he did not mean what would constitute an exhaustive definition; but what was the general character and significance of the expression—"due process of law?" The Attorney General, speaking on the point the previous night, said—

"He would say that the words 'due process of law' were to be regarded in this way: that due process of law was where the process of law followed certain principles of judicial procedure, or where such process followed sound precedent applicable to the subject-matter and the circumstances affecting it."

Similar language was employed by the Solicitor General. He said—

"'Due process of law' meant a process of law which was according to sound precedent; and, therefore, they did secure trial by jury in all those cases in which, according to the sound general principles of our English Constitution, trial by jury had always been given."

It would be seen that his Amendment practically embodied the words of the Attorney General and the Solicitor General. The other question was no less important, and it was one which had given rise to some doubts in the minds of hon. Gentlemen on the Opposition side at all events. It was this—"Does this Bill leave it in the power of the Irish

Legislature to pass laws altering the due process of law?" On that question they had very explicit statements from right hon. Gentlemen on the Treasury Bench. As he understood, it was admitted that the Imperial Parliament could pass laws which would alter the due process of law. But the important question was, Could the Irish Legislature also do this? In dealing with that question, the Solicitor General reminded the Committee that the expression "due process of law" was intended to have a meaning; and that if it were in the power of the Irish Legislature to alter the due process of law, this sub-section would become nugatory and meaningless. If he might venture to intrude his opinion, he did not think that the words would become perfectly meaningless. It appeared to him that even if it were in the power of the Irish Parliament to alter by legal enactment "due process of law," these words would still have a meaning, for they would still prevent the Irish Parliament from passing laws giving an indemnity beforehand to the Executive for depriving any person of life, liberty, or property by illegal means. However, it was not necessary to pursue that subject further, because they had explicit statements from the Government on this question, whether the Irish Parliament would or would not have the power of making enactments altering the meaning of "due process of law." The Solicitor General said on the subject—

"The section as it stood was plainly a limitation on the legislative power of the Irish Legislature. Due process of law could only be altered according to the will and pleasure of this Parliament."

He asked the attention of the Committee to the words "according to the will and pleasure of this Parliament," for those were the words he had introduced into the second part of his Amendment. The Attorney General, on the same point, said—

"It was said that in spite of the clause the Irish Legislative Body might make any law or might lay down any mode of proceeding they pleased, and that thereupon it became due process of law. He had no hesitation in saying that that argument was absurd on the face of it, one to which no legal tribunal would, or could, for a moment listen."

These were strong, and explicit, and clear statements. He would cite one more—from the Chancellor of the Duchy who said—

"There was another error which pervaded the arguments of lawyers who had spoken in the Debate—that was, that the Irish Parliament could make that due process of law which would not be due process of law. Why, the whole object of the Government was to make it impossible for the Irish Parliament to vary this matter."

If the Chancellor of the Duchy was right in saying that the whole object of the Government was to make it impossible for the Irish Parliament to vary the matter, the best way of carrying out that intention was to accept the Amendment, which he now begged to move.

Amendment proposed,

In page 2, line 31, after the word "law," to insert the words "in accordance with settled principles and precedents of judicial procedure unalterable by legal enactments other than those of the Parliament of the United Kingdom."—(*Mr. Gerald Balfour.*)

Question proposed, "That those words be there inserted."

*THE ATTORNEY GENERAL (Sir C. RUSSELL, Hackney, S.): I do not recede from anything I said yesterday on this subject. I see no reason to qualify the citation from my observations which was read by the hon. Gentleman. If I did I should quite candidly make the qualification. But I must say, on behalf of the Solicitor General, that the citation from his argument was not quite complete. It did not fully convey his meaning, but so far as it went it was accurate. We both maintain that "due process of law" means process of law proceeding, to use the words of the Amendment, "upon settled principles and precedents." That is the language we used. We do not think that the addition of these words will add anything whatever to the strength of the language of the clause as it stands—"without due process of law." But if it would save discussion, or save time, we have no objection to take the language, with a slight qualification, of the hon. Member, so that the sub-section would run—

"Whereby any person may be deprived of life, liberty, or property without the process of law, having regard to settled principles and precedents."

But when the hon. Member goes further, and asks us to declare that these settled principles and precedents shall be unalterable save by the legal enactment of the Imperial Parliament we object, for a reason which I hope will be appreciated

by the Committee. The words which the hon. Member propose to introduce would give to these settled principles and precedents a stereotyped character.

*MR. GERALD BALFOUR: I beg the hon. and learned Gentleman's pardon. He has quoted the words of my Amendment as I put it down on the Paper. But I was prepared for the objection he has raised, and in order to meet it I altered the Amendment as follows:—

"In accordance with settled principles and precedents of judicial procedure, unalterable by legal enactments other than those of the Parliament of the United Kingdom."

So far as "due process of law" is alterable by the decisions of Judges, this Amendment would not prevent it being so altered.

*SIR C. RUSSELL: I do not think the alteration in the Amendment removes my objection, though it somewhat qualifies it, and it would still give a stereotyped character to the principles and precedents. And this gives me the opportunity of pointing out a misapprehension of what I and my hon. Friend the Solicitor General said yesterday. We have not said, and we never intended to say, that the Irish Legislative Body would not have the power to affect legal procedure or due process of law. We said that, under this enactment, it would be out of the power of the Irish Legislative Body to propose anything they pleased and call it "due process of law," and thereby entirely get rid of the restrictions which the clause as it stands is intended to supply. I submit to the hon. Member that, by saying that the due process of law shall be in accordance with settled principles and precedents of legal procedure, we leave it to be dealt with and judged by judicial interpretation, for this being a written constitution it lies within the domain of judicial interpretation.

*MR. T. H. BOLTON (St. Pancras, N.) said, he wished to ask whether the Government would, in the clause dealing with the powers of the Irish Exchequer Judges or any Imperial Judges, who might take their places, give a direct right to every individual citizen of appealing against any Act of the Local Legislature, or any Act of the Executive Government of Ireland, which contravened the limitative laid down by this clause?

THE CHANCELLOR OF THE DUCHY OF LANCASTER (Mr. Bryce, Aberdeen, S.): If I understand aright the question of my hon. Friend behind me, he will find when we come to that part of the Bill which deals with the jurisdiction and powers of the Exchequer Judges that every right that anyone can possibly desire to enforce under Clause 4 will be brought before the Exchequer Judges, and when any question arises under Clause 4 in any Court in Ireland that question will be brought up in due course of appeal before the Exchequer Judges or the Privy Council.

MR. T. H. BOLTON said, he did not refer to questions that might arise in some judicial proceedings. He asked, Would it be competent for an individual citizen who felt himself aggrieved to go before the Exchequer Judges?

MR. BRYCE: Certainly it will.

MR. T. H. BOLTON said, that then they were to understand that the Government, if necessary, so amend this provision as would enable an individual citizen who complained of any act of the Executive Government or of the Local Legislature to appeal direct to the Exchequer Judges or to the Imperial Judges and get redress?

MR. BRYCE: It will be found when we come to those clauses, which it is not regular to anticipate now, that every citizen, if any attempt is made to injure him by legal procedure, will have that appeal which my hon. Friend desires.

MR. A. J. BALFOUR (Manchester, E.): I am sure we all appreciate the spirit which animates the Attorney General in making this concession to my hon. Friend behind me; and when I cast my memory back to the long Debates we had last night when we endeavoured to induce the Government to introduce words into the Bill carrying out their own intentions, I cannot but regret that the policy which now apparently actuates the occupants of the Treasury Bench did not commend itself to their attention somewhat earlier in our proceedings. It would, if I may venture to say so, have saved a great deal of the valuable time of the Committee, which we have been accused, not by the Treasury Bench, but accused by the Press which supports them, of having wasted. I hope those who make that accusation will now realise that if time has been expended

in amending the Bill that time has been expended more by those who refused to accept Amendments, the justice of which they recognised, than by those who pressed those Amendments on their attention. With regard to the Amendment before the Committee, as I said before, we welcome this recognition of the validity of our contentions, even though it may be a tardy concession. The Attorney General has shown a very wise disposition to embody in the Bill the avowed and explicit views of the Treasury Bench, though I do not quite think—I may, however, be wrong—that the Amendment on the Amendment which he proposes would carry out the avowed intentions of his Colleagues. There was especially one quotation read by the Mover of the Amendment to which I would respectfully call the attention of the Prime Minister and of the Chancellor of the Duchy of Lancaster, who was the author of the statement. The right hon. Gentleman said that an error pervaded the arguments of the lawyers who had spoken on this question, and that that error was to suppose that the Irish Parliament could make that to be due process of law which would not be otherwise due process of law. The whole subject of the Government, the right hon. Gentleman went on to say, was to make it impossible for the Irish Parliament to vary what is now due process of law.

MR. BRYCE: What I meant was that it would be impossible for the Irish Legislature to get rid of this safeguard or provision by endeavouring to make that, by their legislation, due process of law which would not be due process of law, within the contemplation of the clause.

MR. A. J. BALFOUR: I am right in saying that it is at the present moment in the power of the Imperial Legislature to vary the due process of law. I wish to know, then, whether there is anything in the Bill as it stands, or will stand if amended by the proposed Amendment of the Attorney General, to prevent the Irish Legislature doing what the Imperial Parliament can now do, and can always do—namely, vary the due process of law? It appears to us to be quite clear that if the words of the Attorney General be accepted something material will be gained in the way of an exposition of

the views of the Government. But I ask them to move one step forward, and to embody in the clause not only the views of the Attorney General and the Solicitor General, but the views of the Chancellor of the Duchy. That would be adequately met by the words suggested by the Mover of the Amendment. The effect of the Amendment in the form in which it has been moved would be, that while the natural process of devolution—of interpretation—by Courts of Law as to what is due process of law would remain unhampered, as it ought to remain unhampered, if any necessary change in what is due process of law were to be effected, it could only be effected by the action of the Imperial Parliament as distinguished from the action of the Irish Parliament. The Government can effectively insert a full and complete exposition of their uttered opinions into the framework of the Bill by accepting the Amendment as it has been proposed, and, at the same time, shorten this Debate.

MR. SEXTON (Kerry, N.) said, it did not rest absolutely in the hands of the right hon. Gentleman to shorten debate—

MR. A. J. BALFOUR: Hear, hear!

MR. SEXTON said, he was not at all certain that the acceptance by the Government of the proposal of the right hon. Gentleman would shorten debate. The obvious effect of the insertion of the words in the clause would be to withdraw the subject of criminal procedure, so far as concerned life, liberty, and property, entirely from the cognisance of the Legislature of Ireland. The Irish Legislature would not be at liberty to amend the due process of law in any practical sense, because the Judicial Committee of the Privy Council, considering what was the due process of law, would be bound to see that the due process of law was in accordance with settled principles and precedents, unalterably, except by the Parliament of the United Kingdom. The Committee had already declared that power over the criminal procedure should be given to the Irish Parliament; but the acceptance of the Amendment would substantially withdraw that power, and whatever might be the peculiar necessities of the country, whatever might be the circumstances that might arise varying the offences by which life and liberty

were justly taken by the law, and the holding of property affected the Irish Parliament if they enacted any provisions to meet those altered circumstances, they would be unable to carry those provisions into effect by being deprived of the power of altering criminal procedure. He understood, as he entered the House, that the Government had agreed to accept some of the words of the Amendment—

*SIR C. RUSSELL: Yes, we have agreed to accept "regard being had to settled principles and precedents."

MR. SEXTON said, that if nothing was to be done by the Irish Legislative Assembly except in accordance with this proposal the lines for discussion in that Assembly would be extremely narrow—so narrow that he did not think anything could pass between them. If that did not mean taking away power from the Irish Legislature he did not know what could mean it.

MR. J. CHAMBERLAIN: Hear, hear!

MR. SEXTON: Yes; that might please hon. and right hon. Gentlemen opposite, but it did not please him. The Irish Parliament was to have power to make laws, and he thought that to take away the power to legislate in criminal procedure would be to deny that Ireland was a distinct country with separate interests, and to deny one of the fundamental principles of Home Rule. They had had several Gentlemen talking last night about the meaning of the words "due process of law," and if the Court of Interpretation in construing a Statute was to consider not only what was due process of law but also the question of regard being had to settled principles and precedents, and what were principles and precedents, and how far they had been settled, the function of the Interpreting Court would be a difficult one. He thought the matter required further consideration, and feeling the spirit under which he laboured when learned Gentlemen came to the front in Debate, he should be obliged to reserve his right to claim re-consideration of the matter at a later stage of the Bill.

MR. J. CHAMBERLAIN (Birmingham, W.): I am not surprised at the statement of the hon. Gentleman opposite as to the acceptance of the words the Government propose to add, but I think

he is precluded from taking objection to the addition. Last night he listened to the Debate for several hours, and he then appeared to be of opinion that it was an obstructive Debate. He seemed to think that we were indulging in vain repetitions. Well, in the course of—as it now turns out—a most useful discussion, the Attorney General and the Solicitor General again and again used language precisely in accordance with the language which it is now proposed to incorporate in the Bill. If the hon. Member for North Kerry now objects to that language, why did he not do so last night?

MR. SEXTON: The right hon. Gentleman is too old a Parliamentary not to know that language used in debate is one thing and that language to be inserted in a clause in the form of a definition is another.

MR. J. CHAMBERLAIN: I cannot make any distinction between language offered to this House by a Member of the Government and the subsequent carrying out of what was understood to be the effect of that language. Our complaint against the Government last night is not that their language was not intelligible to us and satisfactory, but that they refused to put it into the Bill. Well, they have had time for reflection. They, no doubt, pondered over the repetition of our arguments, and they have come to the conclusion that we were right and they were wrong. ["No, no!"] Of course it shows that, but I am not going to throw it in their teeth. They would not have run the risk of offending hon. Members opposite if they had thought that we were wrong. They must have thought that we were right. I am thankful for this change of temper, which, no doubt, will materially assist the further progress of the Bill. I do not think the Committee have hitherto quite appreciated the magnitude of the concession the Government have made, and which I desire most frankly to acknowledge. I do not see very much consequence in the question whether or not the later words of the Amendment proposed by the hon. Gentleman opposite are accepted by the Government or not, and I think I can show that it will not make any difference if they are not accepted. Let us suppose that the words are objected to and we take only those

that the Government have accepted. Then the Irish Legislature will be precluded from making laws except in accordance with the settled principles and precedents of general procedure. They may legislate within the settled principles and precedents, but it is part of the superior Statute that they may not go outside the settled principles and precedents. Therefore, if it be a settled principle and precedent, under certain circumstances, that a man shall be entitled to trial by jury or to indictment before a Grand Jury, the Irish Parliament will have no power to alter the law in those respects. And if it be a settled principle and precedent that a man is entitled to habeas corpus it appears to me the Irish Government will have no power and will be going beyond the principle laid down in the superior Act if they attempt to interfere with the supervision of the habeas corpus. The only legislation that will be left to them will be as to details within settled principles and precedents. If I have rightly understood the extent of the concession, it appears to me to give us all that for which we contended something like six or seven hours yesterday. Though I regret that a certain amount of time was wasted, it was not by us. I am prepared to accept, thankfully, the concession made. If the view I have expressed is correct, certain Amendments that are on the Paper to restrict the powers of the Irish Legislature will be unnecessary; but if not, and the Government continue to refuse the Amendment of the hon. Member for Leeds, then, of course, they cannot complain if these Amendments are successively brought up, because it will be they who have forced us to raise these questions separately. If, however, as I understand by the words now proposed by the Government these Amendments are all excluded we shall get rid of several important Amendments, and the progress of the Bill will be materially facilitated.

*SIR C. RUSSELL: The tone in which several hon. Members of the Committee have received what was intended as a concession by the Government in order to save time does not afford us much encouragement in endeavouring to secure that reasonable progress shall be made with the Bill. The right hon. Gentleman the Member for Birmingham and the right hon. Gentle-

man the Leader of the Opposition certainly cannot be allowed to treat this matter as if the Government were making any concession whatever except in point of form. We stated yesterday—and I repeat again to-day—that this concession, in our judgment, gives nothing which the words “due process of law” did not give in the clause as it originally stood. I stand by this position. I cannot allow any portion of the House to be under the impression that this is more than a concession to hon. Members in a matter of form, but does not alter the meaning of the clause as proposed.

MR. DUNBAR BARTON (Armagh, Mid) said, that the Attorney General declared that the words proposed to be inserted in the sub-section would add nothing to its meaning; and in view of that announcement it would be necessary to bring forward separately the Amendments relating to habeas corpus, contracts, indictment by grand jury, bail, and so on. The Chancellor of the Duchy yesterday had said that “due process of law” was a matter that could not be defined and ought not to be defined; but now the Government were prepared to define it, and they were offering to do this notwithstanding the legal maxim quoted by the right hon. Gentleman that there was nothing so dangerous as definition. Further, the Government had repudiated the idea of accepting the opinion of an isolated Judge; but now they were inserting words embodying that opinion; and the very people who had said that the definition could not be given by anyone were themselves offering a definition. He considered the statement of the hon. Member for North Kerry most important—namely, that this power over life, liberty, and property was a fundamental principle of Home Rule. Why was it that the hon. Member was so anxious that this power should not be restricted—why was he so jealous of losing this power of depriving Irish citizens of life and liberty? They had the laws of murder and treason, and what more could they want? He disputed the contention of the Solicitor General last night that the Irish Government could act on precedents and principles, and that these would include historical precedents. In no country had historical precedents been used in deciding legal

questions; and if they could be used there would be nothing to prevent the Irish Legislature following the coercive policy of the present Government in past years. He thought the Government should give a fuller explanation of this word “precedent” before it was finally adopted in the Bill. The concession of the Government did not, in his opinion, meet the dangers pointed out last night as to the lives and liberties of the Irish Loyalists. There was a remarkable difference between the expression “having regard to” and “in accordance with.” Under the latter there would be some control over the Irish Parliament; but under the former it might be held that the Irish Parliament had had “regard to” precedents if it considered them without acting upon them.

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): I do not speak now of what my hon. and learned Friend the Attorney General proposes to cut off from the Amendment of the hon. Gentleman opposite; but I speak of the words he proposes to admit. The right hon. Gentleman the Member for Birmingham has before him two sets of words—first, “due process of law;” and, secondly, “having regard to the established precedents of principles.” We do not want to exclude what meaning my right hon. Friend attaches to the latter words; but we think it is included in the words of the sub-section. The question whether it is included in our own words or not has become really a verbal question. The right hon. Gentleman secures the meaning he desires, and we have no disposition to go further into argument.

SIR H. JAMES (Bury, Lancashire): It would be bad faith with the Government if we did not point out that this concession is really of a most substantial kind, and alters entirely the whole complexion of the matter. Take one instance—the suspension of the Habeas Corpus Act. All that would be necessary without these words would be for the Irish Legislature to declare that after a certain day the Act of Charles II. would be suspended. Thereafter, any person could be arrested without process, and detained in custody. But under the Amendment the person could only be arrested with due process of law—

"In accordance with the settled principles and precedents of general procedure."

SIR C. RUSSELL: I have not accepted the words "of general procedure."

SIR H. JAMES: I thought they were accepted. Whilst the words proposed remain in the Bill the Irish Legislature can never suspend the Habeas Corpus Act, which is a result we desire to accomplish. It will, therefore, be unnecessary for us to move Amendments to prevent the Irish Government from suspending the Habeas Corpus Act. Without these words it would have been possible to alter criminal procedure in Ireland; but with these words it could only be altered in accordance with settled principles and precedents. These words, I think, would prevent a man in a case of felony from being deprived of the right of going before the Grand Jury. The Irish Legislature, no doubt, would have power in minor matters. Before they would have had full power, but now their powers will be mitigated.

***MR. GERALD BALFOUR** said that, so far as he was concerned, he should be prepared to accept the Amendment of the Government, provided the words "in accordance with" were allowed to remain. The words "judicial procedure," he thought, ought also to remain. Did the Government accept them?

MR. SEXTON: I object to this system of question and answer across the Table.

***MR. GERALD BALFOUR** said, complaint had been made that the concession of the Government was not received in the spirit in which it was offered. That, so far as he (Mr. G. Balfour) was concerned, was not a just complaint. He fully recognised the value of the concession, and was not desirous of spending the time of the Committee unnecessarily.

***SIR C. RUSSELL:** The words I propose (with the assent of the Prime Minister) to accept are, "in accordance with settled principles and precedents."

MR. SEXTON said, the Amendment only appeared for the first time on the Paper that morning, and a further Amendment had been arrived at, he did not know how, in the course of the day, and now these words were to be inserted in the Bill. He thought it would be admitted that the position of himself and his Colleagues was extremely difficult.

Sir H. James

Most of them had not a training in the law, and had had no opportunity of advising with legal authorities on these subjects which were to bind the action of the Irish Legislature, perhaps, for ages yet to come. He had taken the liberty of pointing out to the Attorney General that the words "regard being had to settled principles and precedents" were preferable to the words "in accordance with settled principles and precedents," because he could form some approximate idea of the meaning of the former. He would only say that if the meaning of the Amendment were that the due process of law when enacted by the Irish Legislature must be strictly in accordance with not only settled principles, but also settled precedents, he doubted whether the words would enable the Irish Legislature to attend to the circumstances of criminal procedure as the country might require. If the words "in accordance with" were accepted, he should be obliged to divide the Committee against them. He would agree to the words "regard being had to."

MR. A. J. BALFOUR: It seems to me that it would be difficult to manage the business of the Committee on the principle laid down by the hon. Gentleman who has just sat down. We had a discussion last night on the legal bearings of this question; and the hon. Member for North Kerry who, we know, has one of the cutest and clearest heads in the House, and who is as competent to deal with the legal aspect of this question as any eminent Queen's Counsel, was present. He now says he has had no opportunity of conferring with legal gentlemen.

MR. SEXTON: I have had no opportunity of conferring with my legal friends as to whether the Amendment should be accepted.

MR. A. J. BALFOUR: I believe there are even now in the House legal gentlemen belonging to the Nationalist Party sitting close to the hon. Member who would be prepared to give an opinion on the point. If we are to be broken up into small parties in the House, and if we are to have a Conference whenever a legal difficulty arises, our proceedings must be indefinitely prolonged. We must have confidence in those lawyers whom we select to advise

us ; and if we think the two eminent gentlemen opposite are not competent to deal with such a simple question as to whether the words should be "in accordance with" or "in regard to," we cannot have confidence in them.

Mr. SEXTON said he should be obliged to insist upon a Division.

Amendment, by leave, withdrawn.

Amendment proposed,

In page 2, line 31, after the word "law," to insert the words "in accordance with settled principles and precedents."—(*The Attorney General.*)

Question proposed, "That those words be there inserted."

Mr. SEXTON : I beg to move that the words "in accordance with" be omitted, in order to insert "regard being had to."

Amendment proposed to the said proposed Amendment, to leave out the words "in accordance with," in order to insert the words "regard being had to."—(*Mr. Sexton.*)

Question put, "That the words 'in accordance with' stand part of the proposed Amendment."

The Committee divided :—Ayes 324 ; Noes 144.—(Division List, No. 147.)

Question again proposed, "That those words be there inserted."

Mr. CLANCY (Dublin Co., N.) said, he thought the time had come when some protest should be made against further concessions of this kind. He thought he might, without exaggeration, say that when the Bill was introduced it was accepted as about the minimum that the Irish Nationalists could accept as a working settlement. The whole course of the Committee up to the present moment, so far as he could see, had been in the direction of whittling down the Government proposals. He did not profess to be a great authority on Constitutional questions ; but he could not shut his eyes to the fact that legal gentlemen of some repute had staked their reputation on the fact that the Amendment, if carried, would be a serious encroachment upon the power that had already been given to the Irish Legislature to regulate their own criminal procedure. Looking at the matter as a layman, he himself had

come to the conclusion that if the Amendment were adopted as it now stood the Irish Legislature would be prevented from legislating except in accordance with settled precedents and principles. What was the object of a Legislature ? What was the Imperial Parliament doing every day but upsetting settled precedents and principles ? As an Irish Nationalist, he objected to the Irish Legislature being prevented from legislating except in accordance with settled precedents and principles, many of which might be shown by experience to be deserving of no other fate than to be set aside. The Amendment would constitute such an encroachment upon the powers of the Irish Legislature that if the right hon. Gentleman the Member for Bury (Sir H. James) were correct it would almost destroy the title of the Bill. He could not but think that the Government had brought much of the difficulty on themselves by introducing such a sub-section as that now before the Committee. The Bill of 1886 contained no such sub-section. He understood that Magna Charta was still the law of the land, and that unconstitutional legislation under the Bill would, therefore, be impossible. He supposed the sub-section had been introduced to please Unionists, who would not be conciliated by any concessions, who would only make use of the successive concessions that had been made to demonstrate the usefulness of their obstructive tactics, and who would go up and down boasting, as they had already boasted in that House, that they had extorted from the Government nine successive Amendments. In his opinion, the Government had made a vast mistake in introducing the sub-section at all, and they had made a still vaster mistake in making concessions on any of the Amendments. If it were in his power now, he should divide the Committee on the question whether the sub-section should stand part of the Bill or not. Most certainly, on the Report stage, he should move to omit the sub-section, not only on the ground that it was spoilt and rendered harmful by the adoption of the Amendment, but that it was useless, that it would be simply a weapon in the hands of the opponents of Irish Nationality, and that it was likely to destroy the effectiveness of the Irish Legislature in the domain of exclusively

Irish affairs which the House of Commons had on several occasions in that Session decided should be within its competence. He had only to announce that those with whom he usually acted—and he thought he might speak for other Members also—would most decidedly divide the Committee against the Amendment, not only as a protest against the action of the Government in giving way on any of these Amendments, but also on the ground that there was a reasonable belief that a vast and unjustifiable encroachment was about to be made on the power of the Irish Government within its proper sphere.

EARL COMPTON (York, W.R., Barnsley) wished to explain why he went into the Lobby with the Irish Members in the last Division, and why he should do so if they went to another Division. He had two reasons. First of all, the words "in accordance with" decidedly restricted the sub-section under discussion, and he did not think it required any further limitation or restriction. In the second place, he looked upon the agreeing to Amendments moved to this sub-section as concessions to those who were trying their very best, night after night, day after day, and week after week, to wreck the Bill. For his part, he was perfectly ready to do everything in his power to hasten the progress of the Bill, and he thought his best way to do that was to remain silent on the subject. He had accordingly remained silent up till now, and had only broken that silence when he thought it right to explain why he was taking part in voting against the Government which he was glad to follow. If there was anything done in the way of Amendment which he thought would improve or increase the power of the Irish Legislature in a reasonable way, then he, for one, should support such an Amendment from whatever side it came. But during all these weeks they had seen Amendment after Amendment put down in order to weaken the Bill; they had heard the Opposition declare they meant to make the Bill more detestable, and he did not think it was reasonable to ask those who were supporting the Bill in its entirety to help the Opposition to make the Bill detestable. Their (the Liberals') object was, and always had been, to do their utmost to give Ireland what they thought

the Irish people had a right to ask for; and what they did ask for at the present moment was, in his opinion, most reasonable. There ought to be elasticity in this as there had been in other matters; and, holding that opinion, he should certainly support the Irish Members in the course they were taking, and he hoped the Government would not be too ready in future to grant concessions to a Party who did not ask for these concessions in order to improve the Bill, but in order to destroy it.

MR. SEXTON: I feel constrained to join without qualification in the protest which has been made, and to emphasise the views expressed by the hon. Member for North Dublin in regard to what I must call the unaccountable fatuity of the course of concessions lately pursued by the Government in the hopeless endeavour to conciliate an Opposition who have avowed before the country that their object, and their only object, is to destroy the Bill. The Government, time after time, have yielded to the most audacious conspiracy that has ever avowed itself, and the folly of the course has been made plain from day to day; because upon the concession of each Amendment, although the Government may have declared that it is a concession merely in point of form, the Opposition have availed themselves of it to justify and to vindicate a further course of obstruction. That is not carrying out the will of the people; that is not fulfilling the mandate of the electors. We always understood that the Home Rule measure to be given to Ireland would be a measure entirely satisfactory to the people of Ireland and her Representatives here. Of what use will it be if it be otherwise, and, in the hopeless attempt to save one hour or to relieve yourselves of one speech to be delivered from those (the Opposition) Benches, you day by day incur the fatal danger of alienating the people of Ireland? I beg that this course may be no longer pursued. I have called attention to it again and again. I have spoken, no doubt, with some energy, but, I hope, with perfect respect to the Government and its illustrious head. As a Representative of the Irish people, I am bound to say that if this course of concession be further pursued, the Bill, which, as the hon. Member for North Dublin has said, is unquestionably the minimum which the Irish people

could accept as a settlement of Home Rule, will be rendered unacceptable, and will be no settlement of the question. I greatly fear, and I have little doubt, that the words which have been just accepted, will seriously hamper the Irish Legislature in matters of essential moment—an Amendment put down without notice upon the most unfortunate sub-section dragged by the heels out of the American Constitution which has no relevancy to the case of Great Britain and Ireland, no relevancy to the case of a Parliament unquestionably sovereign here and another Parliament unquestionably subordinate to it in Ireland, provisions which are very well where you have a written Constitution without sovereign authority, Federal Parliaments and State Parliaments which will make laws of their own without a Federal veto, but which have no relevancy whatever to the case of Great Britain and Ireland. But you drag in the sub-section, and by doing so you give an opportunity and a most tempting occasion for saying, "If you find that this part of the American Constitution is so valuable, why not bring in all the rest?" and so we have had numerous Amendments, and we may have an Amendment to have the whole body of the American Constitution so far as it concerns anything that can be called Constitutional security superimposed upon us. That would be nonsensical and absurd. I say the words which you have now agreed to may give rise to serious consequences. For instance, it may be necessary to have a compulsory measure of Land Purchase in Ireland. The heart of Ulster is set upon it. [*A laugh.*] The hon. Member for South Tyrone (Mr. T. W. Russell) may laugh; but he knows very well that after having denounced compulsory sale in this House he went over to South Tyrone and blessed it when he required to be elected. I have given a few minutes' further study to these words, and I am satisfied that they would prevent the Irish Legislature from passing a law for the compulsory sale of land, which law alone, especially in the Province of Ulster, would settle the Land Question. Under the Land Clauses Consolidation Act, upon taking a piece of land it is made a settled principle that the price of the land must be increased by a certain percentage,

because the land is compulsorily taken; and by the introduction of these simple words, "in accordance with settled principles," you have made it impossible for the Irish Legislature to deal with the question of the compulsory sale of land as the interest of Ireland would unquestionably desire. I will say no more. I have endeavoured to press upon the Government the gravity of the course that they have pursued. I have failed. I should not have thought it worth while to challenge a second Division on the Amendment; but as the hon. Member is disposed to divide we will join with him.

MR. MACARTNEY (Antrim, S.) said, that after the speech of the hon. Member for North Kerry he wished to ask the Prime Minister whether he did not think it was his duty to the country to report Progress in order to consider whether the Government would not withdraw this Bill?

Question put.

The Committee divided:—Ayes 310; Noes 165.—(Division List, No. 147.)

*MAJOR DARWIN (Staffordshire, Lichfield) moved the following Amendment:—

Page 2, line 32, after "laws," insert "or shall escape liability for acts done or omitted to be done by means of an Act of Indemnity."

In moving this Amendment he had chiefly in view those illegal acts which might be committed by the Executive in times of great civil disturbance, when riots or insurrection were taking place. He could not in the least doubt that it was the intention of the Government that no one should be illegally punished in Ireland, and they had been told that the checks under this Act would be applied automatically—that was to say, if anyone took any part in an illegal punishment or proceeding, he would be liable to prosecution and punishment. In a previous discussion the Solicitor General stated, as a Constitutional principle, that a subordinate Parliament could not pass an Act of Indemnity excusing any illegal act which that Parliament could not, by previous legislation, have made legal. That was, he believed, an undoubted principle of Constitutional Law—that no Legislature, other than the Supreme Legislature, like the Imperial Parliament, could make that legal retrospectively which it could not have

legalised originally. In discussing this matter he would take two cases—that of acts which could, and that of acts which could not, have been legalised originally. As to acts which could not be legalised, he presumed that to mean that the Irish Legislature could not indemnify the Executive which had taken part in illegal punishment without trial, because there would be no power to legislate for punishment without trial. He would not argue the legal aspect, but would take the common-sense view of the meaning of the Bill—that all powers were given which were not excluded. He thought, therefore, the Irish Legislature would have seem to have power to pass an Act of Indemnity to cover any acts of its officers. Legal principles were, no doubt, necessary to the interpretation of an Act; but he must protest against legal principles being a reason for excluding words necessary to giving a plain meaning. That was a bad principle to go upon. The Act would be so worded as to be capable of being read by laymen as well as by lawyers. Constitutional principles might change by fresh decisions over which the Imperial Parliament would have no control; but the words in the Act could not change, and he thought these words had better be inserted. Another reason might also be brought forward. Let them take the case of an insurrection, with illegal punishments followed by an Act of Indemnity. In order to prosecute, in addition to the ordinary procedure, it would be necessary to prove that the Act of Indemnity was invalid, because the act committed could not have been legal. Surely that would increase the difficulty of prosecution? Would it not be better to make the Act of Indemnity invalid without question? They had also to consider how far advisable it would be to allow the Legislature to excuse by Act of Indemnity an act which they could have legalised originally, still dealing with troubles likely to arise at times of riot or insurrection. Here the main check was the sub-section with reference to “due process.” He was not going to re-open the discussion upon that question, but he must give an example in order to make his meaning clear. Taking the view of the Government, capital punishment for sheep-stealing could be made legal. Hence, if anyone was executed for sheep-stealing—he

Major Darwin

admitted, of course, that this was an extreme case—and executed after trial, then an Act of Indemnity would cover those taking part. Arguing from analogy, a great number of irregularities might be committed which would be covered. If “due process” had the meaning put upon it by the hon. and learned Member for Mid Armagh (Mr. Dunbar Barton), then very few acts, indeed, of any kind would not be covered. He was perfectly well aware that it would be said there could be no harm in giving the Irish Legislature power to excuse acts which they could have rendered legal. He did not think so, however; for if, in a bad time, the Legislature felt they had not power enough, they could legislate to meet contingencies. If such Acts of the Legislature were unjust, they could be vetoed. Well, then, it might be said—“You can veto an Act of Indemnity.” But the answer to that was that it would be too late. If the Legislature had no power to pass an Act of Indemnity, they would have to legislate in advance, and an opportunity would be given of considering such measures as might be introduced. He did not deny that at times it would be almost impossible to avoid illegalities; but the Amendment was necessary to ensure that in all cases there should be discussion in Parliament before the officials were freed from penalties. The Government had promised to see to the protection of minorities, and this discussion was necessary for that purpose. The safeguards of the Government for the protection of the Irish minority would be absolutely useless unless they excluded the power of passing Acts of Indemnity. There were other instances which might be cited as well as that which he had given. He did not wish to insult Irish Members; but if this Bill was to become law, he should like to see this power of indemnity withheld from the Irish Legislature. For these reasons he begged to move the Amendment standing in his name.

Amendment proposed,

In page 2, line 32, after the word “laws,” to insert the words “or shall escape liability for acts done or omitted to be done by means of an Act of Indemnity.”—(*Major Darwin*.)

Question proposed, “That those words be there inserted.”

*SIR C. RUSSELL: I will reply to the hon. and gallant Member in a single sentence. Certain matters might be made the subject of Bills of Indemnity divided in the way in which he has divided them in his speech. One class of Bills of Indemnity might relate to matters which the Irish Legislative Body would have no authority to legalise *à priori*. Any Bills of Indemnity relating to such matters and passed by the Irish Legislature would be null and void. But the Government intend that the Irish Legislature should have the power by Bills of Indemnity to legalise acts done in cases of necessity and emergency when it would be within the competency of that Legislature to legalise such acts *à priori*. I, therefore, cannot accept the Amendment.

SIR H. JAMES said, he would like to know whether the Attorney General's object was carried out in the Bill? How were they to determine, according to the principle just laid down, what was and what was not a good Act of Indemnity? He did not see how the principle was to apply. If they took the case of the coinage and considered what might be done, the Attorney General would see that, unless the words of the clause were altered, the distinction which he had drawn could not be observed in practice.

MR. CARSON (Dublin University) said, it occurred to him that a very serious case that had never arisen under their own Constitution, but which had arisen in America, might arise under the Irish Legislature. The Committee had been engaged for many days enacting sub-sections which must give rise to great controversy when the legality or illegality of the Bills passed by the Irish Legislature came to be considered. Again, controversy must arise in every case of new procedure as to whether it was in "due process of law" or not. He would put this case: Suppose the Irish Legislature passed an Act which, *primâ facie*, was perfectly proper and within their powers, and an official proceeding under the direction of the Executive to act upon that law—it might be to do something that would be an infringement of the liberty of the subject or of the rights of property—could the Irish Legislature pass a Bill indemnifying the official of the Executive in the event of the former

Act being subsequently held to be null and void? He supposed they would be morally justified in trying to indemnify for something done under an Act which they had themselves passed; but he wanted to know, could they do so? This was not a fanciful case. They had the instance of Virginia, where an Act was passed dealing with people's property; and, although it was vetoed, the Legislature went on indemnifying their officials and dealing with the property as before. If the Irish Parliament could do that—and he saw nothing in the Bill to prevent them—not one of the exceptions mentioned in the Bill was worth the paper it was written on as a safeguard.

*SIR J. RIGBY said, the Government were content with the Bill, being satisfied that the Irish Legislature could not pass such Acts of Indemnity as various hon. Members had supposed.

MR. CARSON: Why?

*SIR J. RIGBY said, the reasons had been given again and again by the Attorney General and himself, and he had no others to offer.

SIR J. GORST (Cambridge University) said, with all deference to the Solicitor General, he would put it to him that, as a question had been asked by the right hon. Gentleman the Member for Bury (Sir H. James) and another by the hon. and learned Member for Dublin University (Mr. Carson), the Committee ought not to be dealt with in that way. He was sure the Solicitor General would see the necessity of giving a fuller explanation of the reasons influencing the Government in opposing the Amendment.

MR. A. J. BALFOUR said, he could understand the feelings of the Government in the matter, for they were open to certain pains and penalties if they ventured to reply to the arguments of the Opposition. But in this case the Government were not asked to reply to the arguments of the Opposition, but simply to state their own arguments. They could hardly be allowed to retire under a dignified silence when asked their reasons for advancing certain legal propositions which many hon. and learned Members—Members who were leaders in their profession—thought were erroneous and objectionable. There could be one explanation—that the Government were afraid of their allies, or that they had no

reasons to give. If they had reasons he hoped they would reply to the questions addressed to them.

SIR J. RIGBY said, he had given the reasons again and again.

MR. A. J. BALFOUR: The hon. and learned Gentleman has merely repeated his opinion, giving no reason for it.

*SIR J. RIGBY said, he had shown—and the Attorney General had repeated this—that it was laid down by authorities that a Bill of Indemnity could only be of validity when the Legislature passing it might have legalised the act done beforehand. He had given a particular case, with the names of the Judges, and what he had said had not been contradicted, but was, on the contrary, supported by the right hon. Gentleman (Mr. A. J. Balfour). There could be no indemnity by a Body for an act which they might not have authorised. He hoped that would be considered a plain answer. He had given it now for the sixth or seventh time.

*MR. MATTHEWS (Birmingham, E.) said, he would point out to the Solicitor General that he had not dealt with the concrete difficulty that might arise. The Irish Parliament might pass some Act which would be held afterwards to be in excess of their powers and in violation of Clauses 3 and 4. Under that Statute, before its being declared void, some official of the Irish Parliament might invade the right of liberty or property—an act for which he could be prosecuted, if the Act under which he did this was declared null and void. What they wished to understand was—would it be in the power of the Irish Legislature to make certain acts lawful which would otherwise be held to be unlawful? And would they be able to indemnify against the commission of those acts? They would be told that they had ample authority in these matters in the Imperial Parliament; but upon the subjects given over to them, the Irish Parliament would be as authoritative, as all-embracing, and as capable of dealing with them as they at Westminster. There was the question of the troops in times of riot. Would there be power of indemnity in such cases? The Irish Parliament would have under its jurisdiction the whole Common and Criminal Law. They would control, he assumed,

the law of false imprisonment and trespass. Was it intended that the Irish Legislature should deal with such matters by Bill of Indemnity? Were they to be considered as matters that might have been authorised beforehand, and so capable of being justified by indemnity? What they asked the Solicitor General to do was to point out words in the Bill to prevent that. They had powers to make laws except so far as they in terms restricted them. Where were the terms restricting them from doing what he had suggested?

*SIR C. RUSSELL: There are in this Bill certain definite subjects with regard to which the Irish Legislative Body have no concern whatever. There are certain other subjects which they have only power to deal with subject to certain restrictions and qualifications. These two heads exclude from their legislative authority divers matters, and as to which they could not legalise *à priori*, or subsequently what is done or what is intended to be done. But, as regards other matters, we do not intend that the Irish Legislature shall not have power, if they think proper, to deal with them.

SIR H. JAMES said, supposing there was any attempt to arrest a person who had committed treason, what would be the indemnity? It would have nothing to do with treason—it would have to do with an act of trespass; and because it was attacking a traitor, or attempting to deal with a supposed traitor, their Act of Indemnity would not touch treason. It would be more or less an act of trespass on the land or person of a traitor, and the Bill of Indemnity would go against the trespass. It would be no answer to say—"Oh, it is a bad Bill; the Irish Legislature could not deal with it, because treason is one of the subjects Clause 3 has excepted." But this would happen to be an act of trespass on the person of a traitor, so that, if a lawless act had been done, the Irish Legislature would be enabled to justify and protect the person who had done that lawless act. The answer of the Attorney General that it would be invalid, because the Act had some connection with excepted subjects, would never be held to prevail; and unless this Amendment were accepted, they would give unlimited power to the Irish Legislature to pass Acts of In-

Mr. A. J. Balfour

demnity. They were endeavouring to prevent the Irish Legislature using powers beyond what were laid down in this Bill; and if their agents or anybody could act beyond these powers, and the Irish Legislature could step in and make that valid which was invalid, to the extent of protecting such agents for such action, it was useless putting safeguards in the Bill, because they escaped from the prohibitions laid down by the means he had indicated. If the view of the Attorney General was to prevail, let something be put in the Bill to say that which he had himself expressed it to mean. He respectfully asked the Government not to shrink from saying in the Bill what their Representatives had said on the floor of the House.

MR. GOSCHEN inquired whether indemnity could be given by the Irish Legislature to agents of the Irish Government who had committed trespass in attempting to enforce one of these Statutes of the Irish Legislature which had been passed in violation of the restrictions imposed by the Bill? In that case the whole of these so-called safeguards might be evaded.

*SIR J. RIGBY: In answer to the right hon. and learned Gentleman the Member for Bury, and to the question just put by the right hon. Gentleman, I have already said that acts that cannot be authorised cannot be indemnified. It may be possible that there will be a distinction between criminal proceedings and civil ones. But take the case of trespass. A man who is an officer of the Executive Government is ordered to go and do something illegal—I do not care what it is, but something they have, nevertheless, effected by Statute and authorised—that Statute dealing with an excepted subject is void; therefore, it is only a pretence of authorisation. Nevertheless, he does it, and afterwards they pass a Bill for indemnity. This is a question, again, of legislation. They have professed to authorise him to do something which they have no power to authorise him to do. He commits trespass upon any individual; and after the Act of Indemnity is given in the widest conceivable words, the man on whom he committed trespass, whether personally, or as regards property, brings his action. What is the result? The other person pleads under the Act of Indemnity. The

answer would be, “You are attempting to make legal *ex post facto* or take away a man's right of action *ex post facto*, and that it has been held you have no right to take it away by a prior Act.” That action must inevitably result in favour of the plaintiff. Civil liability of an officer of the Executive could not be taken away by any Act of Indemnity, even though the wrong may have been committed in pursuance of a direct order of the Irish Executive.

MR. GOSCHEN asked, would it be in the power of the Irish Legislature in such cases of trespass to vote the money for which the agent would be civilly liable?

SIR J. RIGBY replied, that that had nothing to do with the question they were now upon. The answer was that no Lord Lieutenant or Representative of Her Majesty would allow such a Bill as had been referred to to become law.

Question put.

The Committee divided :—Ayes 220; Noes 258.—(Division List, No. 148.)

*MR. HORACE PLUNKETT (Dublin Co., S.) moved the following Amendment :—

Page 2, line 33, after “taken,” insert “any person not otherwise provided for by this Act be deprived of any public office or situation such person may have occupied on the appointed day.”

He had added to the Amendment as it stood on the Paper by inserting the following words—“not otherwise provided for by this Act.” He had made that addition in order to narrow the scope of the Amendment, and he hoped the Government would not now say that its scope was unduly wide. All that the Amendment sought to do was to restrict the legislation of an Irish Parliament for a limited period in respect of a limited number of officials. The Judges, Constabulary, and Civil servants and some who were not Civil servants, but who were paid by the Lord Lieutenant, were provided for in Sections 26 to 30, inclusive, and also in a supplemental paper dealing with the 5th schedule. The Government had accepted a certain responsibility with regard to the persons he had named. The officers with whom this Amendment chiefly dealt were the county officers in Ireland, such as the Secretary and Treas-

suror to the Grand Jury, County Surveyors, and so forth. No doubt one of the first Acts of the Irish Legislature would be, and probably ought to be, a Local Government Act, which would abolish the present Grand Jury system. If the late Government came in again he believed it was their intention to do the same; and all they wished was that the same generosity or fairness that would be extended to these servants by an English Administration should be extended to them by an Irish Parliament. He maintained that, although these men had no legal contract or any agreement for permanent employment, they had a strong moral claim, not only upon Ireland, but also upon this country, and that the same responsibility which this country had to the permanent Civil servants—in a less degree it might be—extended to other classes of servants whose position, although not legally, was practically a permanent position. This position would have been, so to speak, legislated away. Then there arose the very difficult and unpleasant question as to whether these servants would be dealt with fairly by an Irish Parliament. He did not care to go down to the bottom of his dust-bin to find proof that those who would probably take the lead in the Irish Parliament would not deal fairly with these officials who had belonged to what they called the loyal minority in Ireland. There was no doubt that the first Irish Ministry would have a large number of claims, and they ought to be very glad if Parliament would enable them to resist these claims, and so make their position a great deal easier than it would otherwise be. There was also the probability that the "spoils system" would be imported wholesale from America, and the Irish machine very largely run by machinemen from New York and elsewhere. As a precedent for the course he suggested, he instanced the Irish Church Act, and said that although they did not expect the Government now to go so far as they did, when the Irish Church was disestablished, in respect of compensation, at the same time they did expect them to acknowledge they had some responsibility to those who had not been provided for in the Bill, but who, on moral grounds, had just as good claims

Mr. Horace Plunkett

as those who had. He had not dragged in by the heels this Amendment from the American Constitution—it was simply based upon common sense and common fairness.

Amendment proposed,

In page 2, line 33, after the word "taken," to insert the words "or any person not otherwise provided for in this Act be deprived of any public office or situation which such person may have occupied on the appointed day."—*(Mr. Horace Plunkett.)*

Question proposed, "That those words be there inserted."

MR. J. MORLEY: I am not sure, though I listened carefully to what the hon. Member said in this Amendment, that I understand what he is aiming at, because this is a restriction upon legislation. The future Irish Legislature is not to make any law whereby a certain class of persons—whom the hon. Member has not described accurately in detail, and I confess I do not know whom he means—may be deprived of any public office which they occupy upon the appointed day. Well, but these officials are either liable to dismissal at pleasure or they are not.

***MR. H. PLUNKETT:** I was not providing in this Amendment against administrative harshness, but simply proposing that if the Irish Legislature wish to abolish the offices in certain restricted cases they should not do so without just compensation.

MR. J. MORLEY: My hon. Friend says the object of the Amendment is not to provide a safeguard against legislative harshness, but what he deprecates is the abolition of office in these cases.

MR. H. PLUNKETT: Without compensation.

MR. J. MORLEY: Very well; but it can be done in these cases by administrative act now. My hon. Friend admits we have, in a Schedule, and in Clauses 27 and 28, dealt liberally with some classes of existing Civil servants, though less liberally with others. He is now dealing with the cases of those who have no vested interest, whom the Administration of to-day or a future Irish Administration can by an administrative act dismiss. Then why on earth should they think it necessary to legislate? I do not think my hon. Friend has clearly realised or worked out in his own mind

what the words of the Amendment come to.

Mr. PLUNKET (Dublin University): I must say that this is a very small concession, and one to which the Government may well be expected to give favourable consideration. What is it my hon. Friend asks for? He is not asking for any interference with any administrative action which the Irish Government might think it necessary to take. His Amendment is a very small and technical one; but it will provide for a class of cases which might very easily occur. What does the Amendment ask? It asks that if the Irish Government of the future should think fit to propose and carry any legislation such as the abolition of the Grand Jury system, involving the dismissal of persons who, in the great majority of cases, would have just as safe a tenure of office as others whom the Government themselves are willing to provide for, without some compensation being given them. If the Irish Legislature abolishes the Grand Jury, with them must, of course, go the servants of the Grand Jury. It would be in the power of the Irish Legislature, passing such an Act as that for the abolition of the Grand Jury to make very inadequate or no provision at all for the position in which these dismissed persons would find themselves. I am sure that no Bill would ever be passed by this Imperial Parliament of such a kind which would not give—I do not mean excessive compensation—but what is described in the clause as adequate and just compensation. What the Amendment is intended to provide is this: that if the Irish Legislature should proceed to carry such a Bill as I speak of, provision would have to be made that these persons so dismissed should not be dealt with in a spirit and way different from that which they would have been dealt with if such a measure were passed by the Imperial Parliament. That is the whole of the Amendment. It is to provide for cases which may never occur, but which, nevertheless, ought to be provided for here. There is a moral claim just as good for the protection of these people as there is in reference to others whose case is provided for. They have brought themselves into relations more or less uneasy with the sentiment which would be the dominant sentiment of the Irish Legislature of the future

which would not be very friendly or harmonious with the interests of three people. The concession that is asked for is a very small one, and I think myself it might very well be granted by the Government.

Mr. SEXTON could not admit the Amendment was either small or technical. It was large, and very practical, and it was also, he would venture to say, extremely bold. If it was adopted the Irish Legislature would not have power to pass any law by which any person might be deprived of any public office or situation which he had occupied on the appointed day without just compensation. The difficulty was, what was the public office to be? The proposer of the Resolution evidently had no doubt that the description of public office should be very, very expansive, and should include every person in Ireland in the employment of any Body in Ireland which might be called a Public Body.

Mr. H. PLUNKETT said, he meant any County or Urban Authority.

Mr. SEXTON thought that all servants of the State were provided for; but the hon. Gentleman proposed, by this small and technical Amendment, as the right hon. Gentleman the Member for Dublin University had described it, to deal with a class of persons not in the employment of the State at all, but in various other employments. Now he said he meant County and Urban Authorities. Did he include Boards of Guardians?

*Mr. H. PLUNKETT said, the officers of the Boards of Guardians mostly belonged to the majority, and would be quite safe.

Mr. SEXTON said, the hon. Gentleman was a young Member, and did not hear the very different story that was told when it was proposed to amend the constitution of Boards of Guardians in Ireland some time ago. The words of the Amendment would include any person who held office under any Corporation, Board of Guardians, Harbour Authority, or similar Body which exercised any function for the public good. These people held office during pleasure. They had no right to compensation at present, and they might be dismissed by their employers without compensation. It was misleading to speak of just compensation, because that

implied that there was, at the present time, right to compensation which there was not. Then, what would be the effect if this Amendment were carried? One of the first things the Irish Legislature would have to do would be to supplant the Grand Juries by County Councils; and it was obvious that if the Irish Legislature, in the Act establishing County Councils, did not provide that compensation should be given to everyone in the employment of the Grand Juries the Privy Council would void the Irish Act. The result would be that this small and technical Amendment not only cut at, but cut away, the root of all Local Government legislation by the Irish Legislature. That, he thought, would be enough to secure its rejection by the Committee.

***Mr. W. KENNY** (Dublin, St. Stephen's Green) said, the objection raised by the hon. Gentleman (Mr. Sexton) to the Amendment of the hon. Member for South Dublin was rather a technical one, so far as he could see. The hon. Member, he was sure, would be inclined to admit that certain officers deserved consideration; but he rather objected to the generality of the Amendment. If that were the only objection to the providing of some just compensation to certain of these officers, it might easily be met by a Schedule being made out of those to whom the Amendment was intended to supply. But were not these officers very much in the same position as members of the Civil Service who were provided for in the amended Schedules that had been introduced by the Government? Take the case, for instance, of a County Surveyor in the employment of the Grand Jury of a county. That gentleman might have entered into the employment of the Grand Jury when he was only 25 or 30, just starting upon his profession, and he might have given up his whole life to the service in which he was engaged, and then, at his present age of 45 or 50 years of age, he would be thrown upon the world without pension or compensation. He would say that such an official had quite as strong a claim upon the consideration of the Government as any Civil servant that had passed an examination and spent 15 or 20 years in the service of the State. Several other cases might be given, and he would

appeal to the Chief Secretary to say, at least, that he would give some consideration to this Amendment.

Mr. A. J. BALFOUR: The Amendment of my hon. Friend is not, indeed, a large Amendment in the sense that it would produce a very great drain upon the funds of the Irish Legislature which this Bill proposes to establish; but it is, undoubtedly, a most important Amendment, so far as the feeling with which the Bill will be received in Ireland is concerned. The hon. Member for North Kerry has endeavoured to show that under the Bill as it stands an Irish County Government Act would be rendered void by the Privy Council of this country if it did not provide adequate compensation for one particular official, Mr. Jones or Mr. Smith. [**Mr. SEXTON**: No.] Well, it came to that. The argument of the hon. Member was that the Irish Parliament might pass a Local Government Act; they might fail to give compensation to one of the officials, and that small failure on their part would void the Act. I do not believe that this Bill is so drawn; if it is, it is very badly drawn; and I think if I am right in my interpretation of Clause 33 any such absurd consequences would certainly be avoided. But so much for the positive argument of the hon. Member for North Kerry against the Amendment. The negative argument and the general tone of his speech which I complain of is that, in dealing with the real equities of the matter, he never seems to realise that this Bill in substance is a Bill which establishes a legal revolution. It may be a necessary revolution; it may be a beneficial revolution; but a revolution it undoubtedly is; and it is our business—and I am sure the Government are at one with us—to see, if this revolution is allowed to take place, that it shall not carry in its train all those serious consequences to individuals which unfortunately even the best revolutions usually bring with them. The hon. Gentleman talks of these officials as being, as a rule, persons who hold office during good behaviour, who have, therefore, no fixed tenure of office, and entitled to nothing that can be properly described as just compensation. Let me point out that is not the way in which this House, at all events, has

usually treated officials, who, if they have no legal or permanent tenure of office, still have a tenure of office which, under ordinary circumstances, would last through their lives, which prevents them having any other means of livelihood, and which may be expected to last so long as their physical strength holds out. Let me point out, in the second place, that if these men at present hold office during good behaviour, they do not hold it at the will of the Government as a rule, and will not, as a rule, hold it at the will of the future Irish Government. They are officials, not of the present Government and future Irish Government, but of those great Local Bodies, Grand Juries, and other Bodies; and therefore, though undoubtedly it will lay in the power of the Irish Government to dismiss them, or to have them dismissed, to shorten their career, and to cast them and their families out as beggars upon the world, they will not do it by dismissing them, but by destroying their employers. They will put an end to the Grand Jury that employed them; and as a consequence, unless some provision is put into the Act, these officials of the Grand Jury will be dismissed, or may be dismissed, from office at an age when a man cannot take up a new livelihood. Surely, the Government would only be carrying out their own policy by inserting provisions to remove the just alarms of these people. The hon. Member for North Kerry has told us that the first act of the Irish Government will be to bring in a County Council Bill. Very likely it would, and I think very properly. If we may gather from his speech, and the views he takes of just compensation to the people who hold their offices during pleasure, he does not think that just compensation will amount to much. He will not even admit that just compensation can be used on their behalf at all; and if, in that respect, he represents the prevailing spirit of the Assembly of which he will undoubtedly be a great ornament, I say the new Irish Parliament will be animated by different principles from those which animate this.

MR. SEXTON: I think the right hon. Gentleman misapprehends my view. I never said they might not be compensated. I rather think the Irish Legislature and the Bodies under it would act in

a different spirit; but that is a different thing to saying that, although these persons have no legal right to compensation and such a course would involve burdens upon the public purse, this may be made the occasion of giving them that right which they do not now possess.

MR. A. J. BALFOUR: The hon. Gentleman must recollect two things. The first is that the Party to which he belongs has certainly always been animated by active hostility, political and social, to Grand Juries, which they want to disestablish, and through the Grand Juries the officials. [Colonel NOLAN: Not the officials.] The hon. and gallant Gentleman may be an exception; but that is the way I read contemporary Irish history. We must recollect, in the second place, that this House when it dealt with servants of an English Body which corresponds to the Irish Grand Jury—that is, the Quarter Sessions—did insure that compensation which I am sure is only just in such cases. When, therefore, we are going to initiate an Irish revolution, and going to hand over to an entirely new Body the lives and future of these people who entered into their present career under a very different system—be it better or worse than that we are going to establish—before we for ever cut our connection with them and hand them over to the mercies of those who have not shown themselves very tender of them in the past, surely it is our duty, and in the interest of the Government themselves, to introduce words in the Bill which may relieve their apprehensions, and relieve us and our consciences, at all events, of any doubt as to whether we have behaved justly in this matter.

MR. J. MORLEY: The right hon. Gentleman is perfectly justified in saying that in sentiment and feeling on this subject there is no difference between him and ourselves. But I submit to the right hon. Gentleman that this Amendment is absurdly wide. Granted that there may be a class of public servants—not servants of the Executive Government, but of Local Bodies such as the Grand Juries; granted there be such, the language of your Amendment is far too wide, because it transforms every holder of what may be called any public office or situation—it transforms that post from

the moment this Bill becomes law into a freehold. [Mr. CARSON: Without compensation.] It gives the holder a right which he would have if the office were a freehold. But surely the Committee must see this is a question of detail. You cannot seriously profess to intend in the case of every servant, every public officer in a situation however humble, to exempt him from any form of legislation or any power of administrative reform? There has been—for the honour of this Parliament and the country I am glad to say it—a very jealous regard for this—that when there has been any reform in the system of government, it should not be carried out at the expense of those who have administered the previous system. I believe we have done all we possibly can do to satisfy the claims of these officials upon the Central Government. At all events, the Amendment does not propose the proper way of dealing with any question that may remain for settlement. The proper place for dealing with it would be on Clause 28; and under the circumstances we oppose the Amendment.

MR. W. REDMOND (Clare, E.) said this, like the majority of the Amendments, was founded on the supposition that the Irish Legislature would do everything that was wrong. He did not think the hon. Member for South Dublin intended by this Amendment to make any suggestion that would be insulting to Ireland; but he was bound to say that it was a tax upon the self-restraint of Irish Members to sit there night after night and listen to suggestions that they were not capable of being entrusted with the smallest details of government in Ireland. He did not believe, notwithstanding the words that had fallen from the Leader of the Opposition (Mr. A. J. Balfour)—to the effect that they would drive these people out as beggars upon the world—he did not believe that the Mover of the Amendment imagined any Irish Parliament would be guilty of any acts of injustice such as they had heard suggested. They had no desire to do it; and, he asked, was it likely they would do this, especially when they considered that the eyes of all the world would be upon their actions and their words—every word spoken in the Irish Parliament would be reported, and carefully reported,

Mr. J. Morley

in every newspaper in the world—certainly in this country. Was it likely, he asked them again, that, in these circumstances, they would be guilty of these things? He denied the right of the Leader of the Opposition to assume that everything they would do would be based upon injustice and wrong. It was perfectly true they held strong views upon this matter, and they differed from the Leader of the Opposition; but that did not carry with it the assumption that the setting up of an Irish Legislature must necessarily carry with it the doing of acts of injustice. He said for himself—and he was sure he spoke for many others—that if when an Irish Legislature were set up an attempt were made to do these acts, he should protest most strongly against it, and do all he could to prevent it. It was monstrous to suppose, however, that they would bring their Parliament into discredit, and prove the failure of the Home Rule system, by perpetrating things of this kind. The object of the Amendment was simply part of the general object of the Party in Opposition—that was to make the Bill as objectionable as they could make it. Some people talked of proposing Amendments in a way that would lead one to believe that the first thing the Irish people would do when they got their Parliament would be to erect a guillotine in O'Connell Street, Dublin, and set about punishing every single one of their opponents. As he had said, the Amendment was based on the assumption that they would act on the basis of doing wrong. He put that to the Chief Secretary. The question was—Were they going to have Home Rule, or were they not? If they were not going to trust them with Home Rule in these small matters, then let them withhold it altogether and not give it at all. But if, on the other hand, they believed in the sense of justice, if they believed that they were entitled to govern themselves, then let them banish these groundless suspicions and leave them something to manage when Home Rule was granted.

MR. T. W. RUSSELL (Tyrone, S.) said, there was something in what the Chief Secretary had said. He had said that they should leave this matter over until they had reached Clause 27. That clause did not deal with—

MR. J. MORLEY: Clause 28.

*MR. T. W. RUSSELL: Clause 28; very well. The Irish Parliament might deal with the reform of the Poor Law, and the Medical Officers under the Boards of Guardians would be involved in that. They were told that they should trust the Irish Legislature. Perhaps it did not occur to the Government that they were only prepared to trust men who proved themselves trustworthy; and, that being so, how were they to regard hon. Members on the opposite side as being trustworthy? If they could not trust them, those hon. Members had only themselves to blame. The hon. Member for the City of Cork—[*Cries of "Oh!"*] He knew all about that; but hon. Gentlemen who asked them to believe in the policy of trust—the Government that asked them to believe in it—asked them to go aboard a vessel manned by pirates. They were not going aboard themselves, however. [*A laugh.*] The hon. Member for Argyllshire (Mr. Macfarlane) laughed. The hon. Member had once been an Irish Member, and he had trusted the Irish people and their friends so implicitly that he dare not go back again. Well, the hon. Member for Cork (Mr. W. O'Brien) said, two years ago, that the spirit of the Irish people and their Representatives would be, in the end, that they would have to open relentless war upon their foes. Did hon. Members on the Liberal Benches differ from the Members below the Gangway? Again, the hon. Member for East Mayo (Mr. Dillon) gave them fair warning, for he said that when they were out of the struggle they would know how to deal out rewards to the people's friends and punishments to the people's foes. Those who differed from hon. Members opposite saw in these utterances good reason for their distrust. They had "nursed the pinion that impelled the steel," and, until they (the Irish Members) retracted the sentiments of which he had reminded the Committee, they need not expect any sympathy or confidence from the minority in Ireland. If the Chief Secretary would give an undertaking when they reached Clause 28—[Mr. J. MORLEY dissented]—if an undertaking were given that the question would then be considered, the Amendment might be withdrawn. They from Ulster, the Unionist Members—the only Members, or nearly the only Members, from Ireland who were elected with-

out clerical dictation—represented those medical men to whom he had referred, whose rights and privileges might be imperilled, and who were entitled to protection. He hoped they would have an undertaking, so that when Clause 28 was reached the question might be finally disposed of.

MR. CLANCY (Dublin Co., N.) said, he desired to say only one word with reference to what had fallen from the Chief Secretary. He regretted to have heard the right hon. Gentleman invite Amendments on this subject. This was a continuance of the policy which had led to the obstruction complained of before; he believed it would lead to further obstruction. They (the Irish Members) would admit of no concession of this character. The Civil Service of Ireland, and the higher offices, were amply protected by Clauses 27 and 28, and to go on protecting every person holding a position in Ireland would be to bind the Irish Parliament in iron fetters in a way that he for one—and he was sure the Irish Members who were Nationalists—would not endure. The assumption upon which all these Amendments were based was that the Irish would cut each other's throats, or the throats of some other set of persons. The idea of some gentlemen seemed to be that they would cut the other people's first and their own afterwards. He did not find fault with gentlemen on the Unionist Benches who went on that assumption; but he appealed to every Home Ruler in the House who did not act upon this assumption to press upon the Government that the policy they were adopting in this matter would, if continued, prove absolutely fatal, and that, by pursuing it, they were walking in a way that would alienate the sympathy of the Irish people from the Bill. He hoped the Amendment would not be accepted, and that they would hear no more about it.

MR. J. CHAMBERLAIN said, the statement to which they had just listened was most interesting. They had sometimes heard it suggested that hon. Members opposite were the masters of the Government, and now they had the hon. Member telling them that the Bill would not be accepted unless the conditions of the Irish Members were agreed to. The hon. Member for North Kerry (Mr. Sexton) said, earlier in the

Debate, that the Government were guilty of "unaccountable fatuity" in yielding to the Amendments proposed by the Unionist Members. The hon. Member who had just spoken—and, indeed, hon. Members from Ireland generally—appeared to be under a misapprehension as to the pledges of the Government. They spoke of the Government satisfying the wishes of Ireland as if that were the only thing to be considered. He would remind them of the declaration of the Chancellor of the Exchequer (Sir W. Harcourt) that the Government had not only to satisfy the people of Ireland, but also the people of England and of Scotland—especially those of Scotland. [Cheers from the Opposition Benches, the allusion being taken as to the success of the Unionist candidate at Linlithgowshire bye-election, announced this morning.] They claimed that the people of England and Scotland should have some consideration in the course of the discussion of the Bill. The moment that the slightest concession was made Members from Ireland got up and said they would put pressure on the Government—

MR. W. REDMOND: You said you only wanted to destroy the Bill.

MR. J. CHAMBERLAIN said, they (the Irish Members) put pressure upon the Government to refuse discussion or concession upon the Amendments brought forward. No great Bill had ever been passed without some concession to the Opposition. He did not wish to stand between the House and the Division; but he might say that he sometimes thought hon. Members opposite were riding for a fall, and he would add that they would not be riding for long.

Question put.

The Committee divided:—Ayes 211; Noes 253.—(Division List, No. 142.)

It being after Seven of the clock, the Chairman left the Chair to make his report to the House at Nine of the clock.

EVENING SITTING.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. J. Chamberlain

TREATY OF ARBITRATION WITH THE UNITED STATES.

RESOLUTION.

*MR. CREMER (Shoreditch, Haggerston) rose to move—

"That this House has learnt with satisfaction that both Houses of the United States Congress have authorised the President to conclude a Treaty of Arbitration with any other country; and this House expresses the hope that Her Majesty's Government will, at the first convenient opportunity, open up negotiations with the Government of the United States with a view to the conclusion of such a Treaty between the two nations, so that any differences or disputes arising between the two Governments which cannot be adjusted by diplomacy shall be referred to arbitration."

He said that before proceeding with his Motion he had the honour to submit a Petition (which arrived too late to present in the ordinary course) from some hundreds of British subjects resident in Paris praying the House to pass the Resolution he was submitting. If he had been privileged to move this Resolution in the last Parliament very little explanation would have been necessary, as most of the Members would have been familiar with the subject, a great number of them having taken part in the efforts then made in favour of arbitration between this country and the United States. But the Fates had denied him that opportunity. In 1887 an Address was presented to the President and Congress of the United States signed by 234 Members of the House of Commons. That address was as follows:—

To the President and Congress of the United States of America.

"The undersigned, Members of the British Parliament, learn with the utmost satisfaction that various proposals have been introduced into Congress, urging the Government of the United States to take the necessary steps for concluding with the Government of Great Britain a treaty, which shall stipulate that any differences or disputes arising between the two Governments which cannot be adjusted by diplomatic agency shall be referred to arbitration. Should such a proposal happily emanate from the Congress of the United States, our best influence shall be used to ensure its acceptance by the Government of Great Britain. The conclusion of such a treaty would be a splendid example to those nations who are wasting their resources in war-provoking institutions, and might induce other Governments to join the peaceful compact."

For reasons which he need not refer to, it was not considered advisable to ask Members of the House

of Lords to sign the Address; but a considerable number of Peers wrote expressing their concurrence in the effort that was being made to promote a peaceful alliance between this country and the United States of America. The significance of that Address would be understood when it was remembered that it established an entirely new precedent. He well recollected the late Mr. John Bright observing when he signed the Address that it was the first time the Members of one Legislature had ever memorialised the Members of another. The Address was presented to President Cleveland at his official residence in Washington on October 31st, 1887, by a deputation of 10 Members of the late Parliament and three representatives of the Trade Union Congress. The subject was discussed with the Committee on Foreign Relations, and it was evident, from the moment the deputation first landed in America, that the right chord had been struck. The Committee on Foreign Relations, having carefully considered the subject, submitted to the Senate and the House of Representatives the following Resolution, which was unanimously adopted by both Houses on April 4, 1890:—

Concurrent Resolution to invite International Arbitration as to Differences between Nations."

"That the President be, and is hereby requested to invite, from time to time as fit occasions may arise, negotiations with any Government with which the United States has, or may have, diplomatic relations, to the end that any differences or disputes arising between the two Governments which cannot be justified by diplomatic agency may be referred to arbitration, and be peacefully adjusted by such means."

A careful reading of that Resolution would show that the prayer of the memorialists was more than answered. The Memorial only asked that this country and the United States should agree to arbitrate their differences; but the Resolution unanimously adopted by Congress authorised the President to invite other nations to do the same. He (Mr. Cremer) was not aware that that Resolution was ever officially communicated to Her Majesty's Government.

MR. W. E. GLADSTONE: It was.

*MR. CREMER: Even if it had not been submitted to Her Majesty's Government, an invitation to join the United States in a Treaty of Arbitration

was subsequently addressed to Lord Salisbury's Government. The same month in which the Congress adopted the Resolution a Pan-American Conference meeting at Washington also adopted a Treaty of Arbitration, and by a subsequent Resolution the Conference resolved to invite the Governments of Europe to become assenting parties to the Treaty. That Resolution and a copy of the Treaty was communicated to Lord Salisbury; but, so far as he was aware, it was never replied to. He was not endeavouring to cast any reflection upon the late Government, because he heartily and cheerfully acknowledged the promptitude with which they had endeavoured to settle more than one difference with other Powers by means of arbitration, and he was fully aware that many hon. Members on the opposite side of the House were favourable to the settlement of international disputes by such means. But he had good ground for asserting that the Resolution passed by the Pan-American Conference was forwarded to Lord Salisbury, and he should be glad to learn that it was duly considered and officially replied to. The Treaty, accompanied by a Circular Letter of Instructions was sent to all the American diplomatic Representatives abroad by the Government of the United States, and the instructions sent to those Representatives was signed by Mr. Blaine. No European Power had as yet accepted the invitation thereby conveyed, and the reason was obvious. Each Government was waiting what the others would do, and no one had the courage to take the initiative and set an example, as the present German Chancellor had said. The King of Denmark had made a similar statement quite recently, adding that if any of the leading European Powers would set the example, he would gladly follow suit. All the nations of the old world were groaning under the burden of military preparations, and it was in the hope that Her Majesty's Government would take the initiative and set the example that he brought forward this Motion. He was not so sanguine as to believe that if this Motion should be accepted, and an effort should be made to carry it into effect, that universal peace would be at once secured; but a beginning—and an important beginning—would have been made, and a stimulus

would have been given to the movement in many other countries. In France, a large number of Deputies and Senators had indicated their desire for the conclusion of a Treaty of Arbitration between that country and the United States, and, but for recent unfortunate events, a Motion, similar to that he was now moving, would have been submitted in the Senate by a distinguished senator. The Danish Parliament had already by a considerable majority expressed its desire for the conclusion of a similar Treaty between that country and the United States. Many Members of the Italian Parliament were also in favour of doing the same, and the Representatives of other Parliaments had, at the Conferences which had been held at Paris, London, Rome, and Berne, expressed their hearty concurrence in the idea. If the House of Commons should accept the present Resolution, a powerful impetus would be given to the movement in every country of Europe. He knew it was said that Governments would only obey the obligations of such a Treaty as long as it suited their purpose to do so. He knew that Treaties had been made and broken. But the Treaties which had been made and violated were such as the conqueror imposed on the conquered, and now that public opinion was such an important factor in the government of the world he had yet to learn that nations would disregard Treaties into which they had freely and fairly entered during a time of peace. It would probably be urged against the adoption of this Motion that its advocates might fairly trust to the growth of public sentiment in favour of arbitration, and not seek to tie the hands of the Government by compelling them, when a dispute arose which could not be adjusted by diplomacy, to resort to arbitration before declaring war. But that was exactly what they wished to do. They wished to tie the hands of Governments so as to render them powerless for mischief. If the Government of the United States was willing to submit to the pinioning process why should we object? It might be that the late Government was, and that the present Government were also, favourable to a pacific policy; but what guarantee was there that the next or some subsequent Government would be of the same character? Governments come and Governments go;

and it might be that some Government, although willing and anxious to preserve the peace, might, during a period of excitement similar to that which prevailed during the Trent outrage and the *Alabama* dispute, plunge the nation into war. The late Earl Russell once said—

“On looking at all the wars which have been carried on during the last century, and examining into the causes of them, I do not see one of those wars in which, if there had been proper temper between the parties, the questions in dispute might not have been settled without recourse to arms.”

He believed Earl Russell was right in his conclusions. The best way of restoring proper temper between nations and individuals who had matters in dispute was to afford them proper time for reflection; and he believed that the sobering and softening influence of time which would result from a Treaty of Arbitration with America would render war between the two countries practically impossible. He did not quite understand or know what the attitude of the Government would be in regard to this Motion. He had heard that the Prime Minister would presently declare the intention of the Government. Well, he remembered what the right hon. Gentleman said and did in 1873 when the late Mr. Henry Richard introduced a Motion in favour of inviting foreign Powers to join in the establishment of a permanent system of international arbitration. But that Motion was of a different character from the present. Mr. Richard's Motion proposed that we should extend a general invitation to all the Powers of the world, while the present Motion was limited in its application to the United States of America. Then we were asked to invite; now we were the invited. When the *Alabama* question was under consideration in the House the present Prime Minister said—

“Both sides of this House are animated by one sentiment—that we should make progress in gradually establishing in Europe a state of opinion which will favour the common action of the Powers to avert the terrible calamity of war.”

And speaking again on the same subject at the Guildhall of the City of London the right hon. Gentleman said—

“But differences will occur; quarrels will arise, and how are these contests to be settled? ‘By blood!’ has been the unfortunate reply almost invariably in former times, a great

experiment is now being tried. It may be no more than an experiment, too bright and too happy to be capable of being realised in this wayward and chequered world in which we live; but it is an experiment worth the trial—whether it is possible to bring the conflicts of opinion between nations to the adjudication of the tribunal of reason instead of to the bloody arbitrament of arms.”

The success of that experiment was now a matter of history, and stood out in bold relief as one of the most glorious incidents in the illustrious career of the right hon. Gentleman. He (Mr. Cremer) asked the right hon. Gentleman, with all the earnestness of his soul, whether the time had not arrived for making another experiment in the same direction and taking another step towards the completion of their hopes? It was 22 years since the Prime Minister uttered those memorable words, and during the period which had since elapsed there had been a wonderful growth of public opinion on the subject among all classes of the community. This growth was strikingly shown in the Circular which had been distributed amongst Members; and the fact that upwards of 2,000,000 of people had by petition and resolution endorsed the Motion was, he believed, altogether without parallel. He was anxious to know what answer the Government would give to such an extraordinary expression of public opinion. There were many other advantages which would accrue if arbitration were adopted. Panics would be checked, commerce would be steadied, the funds would not go up and down with every warlike rumour, and the way would be paved for a general reduction of armaments. But he would leave these considerations to the right hon. Baronet who would second the Motion (Sir J. Lubbock) and others who would follow in the Debate. In conclusion, he hoped the Prime Minister would not ask them to be content with mere expressions of sympathy, but would boldly do for the toilers of the latter half of the 19th century what Moses did for the Israelites and would make an earnest effort to deliver them from the bondage of conscription and the burden of armaments. He (Mr. Cremer) was satisfied, from the experience he had gathered amongst the masses of the people in every country of the world, that if the right hon. Gentleman was only bold enough to take this step

he would not only earn the lasting gratitude of the toiling millions, but would make for himself a name in history, and occupy a position in the future which the whole world would look upon with admiration. The people of this country, and the Government and people of the United States, had manifested their desire to take the step proposed in his Resolution, and he could not bring himself to believe that the only barrier to such a consummation would be set up by Her Majesty's Government. He begged to move the Motion which stood in his name.

*SIR J. LUBBOCK (London University) said, he rose to second the Motion moved by the hon. Member for Shore-ditch. The hon. Member had spoken for the working men of the country, and he (Sir J. Lubbock) believed the great majority of the mercantile community were of the same opinion. He did not, indeed, wish to put the question on any merely material ground, for it appealed to the great principles of justice, humanity, and religion. It was—and he was sure the House would regard it as—a question far above Party. The carnage, suffering, and misery which war entailed were terrible to contemplate, and constituted an irresistible argument in favour of arbitration. It was not from undervaluing these considerations that he would argue the question on other grounds, but only because, being anxious to save the time of the House, he would confine his remarks to that point of the question with which he was most conversant. The present state of things was a disgrace to human nature. There might be some excuse for barbarous tribes who settled their disputes by brute force, but that civilised nations should do so was marvellous, and not only repugnant to our moral, but also to our common, sense. At present even the peace establishments of Europe comprised 3,500,000 men; the war establishments were over 10,000,000, and when the proposed arrangements were completed would exceed 20,000,000. The nominal cost was over £200,000,000 annually, but, as the Continental Armies were to a great extent under conscription, the real cost was far larger. Of course, there are considerations deeper and graver than questions of money; but yet money represented human labour and human life. It was impossible for anyone to

contemplate the present military and naval arrangements without the gravest forebodings. Even if they did not end in war, they would eventually lead to ruin and bankruptcy. The principal countries of Europe were running deeper and deeper into debt. During the last 20 years the Debt of Italy had risen from £483,000,000 to £516,000,000, that of Austria from £340,000,000 to £580,000,000, that of Russia from £340,000,000, to £750,000,000, and that of France from £500,000,000 to £1,300,000,000. Taking the Government Debts of the world together they amounted in 1870 to £4,000,000,000—a fabulous, terrible, and crushing weight. But what were they now? They had risen to £6,000,000,000, and were still increasing. By far the greater part of this enormous, this appalling, burden—this terrible incubus—was represented by no valuable property, had fulfilled no useful purpose; it had been absolutely wasted, or what, from an international point of view, was even worse, thrown away on war or in preparation for war. In face of these figures we could not expect confidence and prosperity, and we could not wonder at, however much we might regret, the growth of Socialist and Anarchist feeling. In fact, we never had any peace; we lived, practically, in a permanent state of war, happily without battles or bloodshed, but not without terrible suffering. Even in our own case one-third of our national income was spent in preparing for future wars, another third in paying for past ones, and only one-third was left for the government of the country. Our interests at stake were enormous. Of the Mercantile Marine of the world 9,700,000 tons belonged to Great Britain, and only 6,700,000 to the rest of the world. Lord Derby, who always spoke with wisdom and moderation, wisely said that “the greatest of British interests is peace.” But if we had the greatest stake in peace, on the other hand the economical condition of Continental countries was far worse than ours. The great Military Powers of Europe were sinking deeper and deeper into debt; the present system would inevitably lead to general bankruptcy. For his part, though not a “peace-at-any-price” man, he was not ashamed to say he was a peace-at-almost-any-price man. No doubt there were some vital

questions which could not be referred to arbitration; but as the hon. Member had pointed out, Lord J. Russell, a very high authority, said that there had not been a war for the last 100 years which might not well have been settled without recourse to arms. The late Lord Derby was not a man easily led away by plausible suggestions or visionary schemes, and, speaking on a difficulty with Spain, he said—

“Unhappily, there is no international tribunal to which cases of this kind can be referred, and there is no International Law by which parties can be required to refer cases of this kind. If such a tribunal existed it would be a great benefit to the civilised world.”

Lord Clarendon in 1856 submitted the following resolution to the Conference of Paris—

“The Plenipotentiaries do not hesitate to express, in the name of their Governments, the wish that States between which any serious misunderstanding may arise should, before appealing to arms, have recourse, as far as circumstances might allow, to the good offices of a friendly Power.”

This proposal was unanimously accepted; would that it had been acted upon! Why did Lord Clarendon propose this if it was impracticable? The condition of Europe could not be viewed without alarm. Russia was honeycombed with Nihilism, Germany alarmed with Socialism, France in a panic from Anarchy. There was no justification, no excuse for recent dynamite crimes, but nothing happened in this world without a cause. Continental workmen were working terribly long hours for very low wages. If hon. Members had read the recent reports from Italy they would see the miserable condition of agricultural labourers in that country, and the small proprietors in France and elsewhere were no better off. He sympathised very much with the desire for an eight hours day, but the resolution passed in Hyde Park last year wisely desired that it should be international. If the present military system was maintained no relaxation of the hours would be possible. The only way to secure the eight hours, was to diminish military expenditure. The unnecessary Army and Navy expenditure compelled every man and woman in Europe to work an hour a day more than they otherwise need. He admitted that the blame did not rest on this country. Our motto of “Defence, not defiance” applied not only to the Volunteer Force, but to the Army and

Navy also. The Resolution had direct reference to the United States. War with that country would be especially terrible. With America we had not only common interests, but the ties of blood.

"Our commerce with America," said Cobden, "unparalleled in its magnitude, demands no armament as its guide or safeguard; nature herself is both. And will any rational mind recognise the possibility of these two communities putting a sudden stop to such a friendly traffic, and, contrary to every motive of self-interest, encountering each other as enemies? Such a rupture would be more calamitous to England than the sudden drying up of the River Thames; and more intolerable to America than the cessation of sunshine and rain over the entire surface of one of her maritime States."

If that were true in 1835 how much more was it true now? Our trade with the United States was then £10,000,000, whilst now our trade with them reached £140,000,000. The citizens of the United States were our own kith and kin, they were our own blood, and war with them would be a civil war. They had intimated their willingness to refer all difficulties to arbitration. Surely we ought to meet them in the same spirit. Surely we should spare no effort and lose no chance of doing anything in our power to restore "Peace on Earth and Goodwill amongst Men." The attempt might not succeed, but at least we should have the satisfaction of feeling that we had done our best.

Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words "this House has learnt with satisfaction that both Houses of the United States Congress have authorised the President to conclude a Treaty of Arbitration with any other country; and this House expresses the hope that Her Majesty's Government will, at the first convenient opportunity, open up negotiations with the Government of the United States with a view to the conclusion of such a Treaty between the two nations, so that any differences or disputes arising between the two Governments, which cannot be adjusted by diplomacy, shall be referred to arbitration."—(Mr. Cremer.)

Question proposed, "That the words proposed to be left out stand part of the Question."

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburg, Midlothian): Sir, I am too much in harmony with the general tone of the speeches we have heard to require to wait for the persuasive addresses which

we may hear from other quarters in order to lead me to lay my views before the House, and I desire to do so at this very early period for a reason which will presently become apparent. In the first place, however, I cannot but say that I am heartily glad, even at the close of an exhausting week, that my hon. Friend (Mr. Cremer) and my right hon. Friend (Sir J. Lubbock) have found an opportunity of striking a stroke, be it a great stroke or not, on behalf of humanity. I think we are indebted to them both for calling our attention to the subject, and likewise for the excellent speeches they have made. In those speeches, while they were hearty from the first word to the last, I do not think the most jealous critic could detect a single unhealthy or exaggerated sentence. They were the speeches of men of humanity, the speeches of men of enlightenment, and the speeches also of sober-minded men of business. I heartily trust that they will be widely read and deeply pondered. The more they are read and pondered the better it will be for the great interests that are at stake. I think that my hon. Friend who made the Motion deserves a peculiar credit for the pains that he has taken and the degree of success that he has achieved in giving an accurate account of the state of public facts in relation to his case. I cannot be surprised that it has been impossible for him under the circumstances to attain perfect accuracy. Undoubtedly events of very great interest have happened within the last few years directly bearing upon this subject. While I have no blame whatever to pronounce upon those who have preceded us in Office, and who, I believe, were animated, speaking generally, by the same spirit as ourselves, I regret that the official and formal record of those events has not yet been placed in the hands of the House of Commons. It would have been of great advantage to my hon. Friend, and of great advantage to the House to have had it. My hon. Friend the Under Secretary of State for Foreign Affairs (Sir E. Grey) will take care that the lack is at once supplied, and that the House is put in possession of those documents which were some time ago communicated to the British Government. I will by-and-bye go through the facts briefly, but in a way that I hope will convey to the mind of the House what

may be called the present situation. In the meantime I will say that there are no words that my hon. Friends can use for the purpose of extolling the advantages of arbitration which would be too strong for me to subscribe to. I observe with them that war has of late years and of late generations found out for itself new channels and new methods of inflicting suffering upon humanity by means of a system known as Militarism, even in time of peace, and even—I must do justice to those who are mainly concerned—compatibly with an honest and honourable intention to promote peace. I cannot question that intention, neither can I question the fact that militarism itself is a tremendous scourge, a tremendous curse to civilisation. By militarism I mean the vast establishments we have now on foot in all countries of Europe. The great question whether militarism tends to avert war or tends to bring war into existence is as yet an unsolved problem. My hon. Friend (Mr. Cremer) quoted a saying of Lord Russell's, in which, as I understood it, I heartily concur, condemning very much in the lump the wars of the last century in which we were concerned. I think that saying may even be generalised. I think that if we cast our gaze over the whole field of history we shall find that wars fall for the most part into four classes—one of them dynastic wars, another of them territorial wars, a third religious wars, and a fourth wars for liberty. Of these four classes, I think the three first are all so bad that it has hardly ever happened that either Party has had his hands absolutely clean; and I am afraid it must be admitted that, of all the three classes, the religious wars have been the worst. There is oftentimes much that is great and noble in wars waged for liberty; yet even they have been stained by many marks of human infirmity and human crime. I must say a word upon the position of this House, and do not let my hon. Friend misunderstand me if a word I am about to say may seem to have a cooling or chilling effect. I am dreadfully afraid, on all these questions, of getting into a position in which profession outruns performance; I would much rather, if I must take my choice, be in a position where performance outruns profession. Well, now, undoubtedly we can point to something more than

mere expressions of sentiment in this matter. I think that those who look back upon the history of the last 70 years will find that in a multitude of instances we have been willing to submit our claims in national disputes to the test of arbitration. However, there is a circumstance which we ought not to conceal from ourselves, and which does not speak altogether for that moderation on the part of England in the estimate she forms of her claims that I am sure we should all conscientiously desire to see her preserve. Between 1822 and 1885—a period of a little more than 60 years—we have been interested in 14 arbitrations. I am afraid the decisions given in those arbitrations are a grave factor in the history of the case, and that according to those decisions we must, in some degree, find the standard of national moderation or its reverse. Out of the 14 arbitrations I believe I am right in saying the number given in our favour has been three or, at most, four. Therefore, Sir, we have something to learn over and above the exhibition of anxiety for the prevalence of the principle of arbitration, and even over and above the readiness to submit our claims to a tribunal of that kind. Moderation in the original estimate of those claims will be found to be an element in this case not less important and not less valuable than any other that it is in our power to name. I assure my hon. Friend, in the first place, that I go with him up to a point tolerably advanced, for, though a Treaty of Arbitration is undoubtedly a novelty, and is undoubtedly an object which, in former times, it would have been deemed wild to dream of, yet I confess I do not think that it is beyond the reach of reasonable hope that such a Treaty might ere long, under favourable circumstances, be concluded between this country and the United States. But I am bound to point out that the greatest difficulty does not lie on that side of the water. It is the complexity of foreign relations on this side of the Atlantic which imports difficulty into this question. Having said that—which I hope will convey some sign of concurrence with the general principles of my hon. Friend—let me point out why I think the terms of his Motion require a change. He will agree with me that in any recital made in this House of the

proceedings of foreign authorities and foreign countries, especially of foreign authorities of such weight as the Governing Body of the United States, we ought not to commit ourselves to any statement but one of absolute precision. He knows I am not blaming him; on the contrary, I have been astonished to see how near, with the private means at his disposal, he has come to attaining to the point of accuracy. But it would not be strictly accurate to say that the two Houses of Congress have authorised the President to conclude Treaties of Arbitration. A Treaty of Arbitration has undoubtedly resulted from the authority given to the President; but it would not be accurate to give that description of the authority granted by the two Houses of the Legislature. I am now going to quote the words of the Resolution, the first part of which is embodied in the Motion which the House is now debating. This is what the two Houses of Congress said—

"We authorise the President to invite from time to time, as fit occasions may arise, negotiations with any Government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which cannot be adjusted by diplomatic agencies may be referred to arbitration and peaceably adjusted by such means."

I do not question for a moment that the motive was that the Treaty of Arbitration was to be in conformity with the Resolution; but to say that it bears out the terms of the Resolution would not be an exact account of it. It is very obvious that what was contemplated by that Resolution was that the initiative should be taken by the President of the United States, who was authorised to invite negotiations with any Government with which the United States had or might have diplomatic relations. Under these circumstances I think it is plain, even as a matter of International courtesy, that in any words we may adopt we ought not to close the question and prevent that initiative by the President if he thinks fit to take it, but that we should leave the question open as to the quarter from which the initiative should proceed, instead of binding ourselves to take it. I think that end would be com-

pletely gained if we were to adopt, after "peaceably adjusted by such means," the words which I should be very glad to move if my hon. Friend withdraws his Resolution. Those words are—

"And that the House, cordially sympathising with the purpose in view, expresses the hope that Her Majesty's Government will lend their ready co-operation to the Government of the United States upon the basis of the foregoing Resolution."

*MR. STANSFELD (Halifax): Will the right hon. Gentleman kindly read the whole Resolution as he suggests it should be?

MR. W. E. GLADSTONE: Certainly. The entire Resolution would then read as follows:—

"That this House has learned with satisfaction that both Houses of the United States Congress have authorised the President to invite from time to time, as fit occasions may arise, negotiations with any Government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which cannot be adjusted by diplomatic agencies may be referred to arbitration and peaceably adjusted by such means. And that this House, cordially sympathising with the purpose in view, expresses the hope that Her Majesty's Government will lend their ready co-operation to the Government of the United States upon the basis of the foregoing Resolution."

It will be interesting to the House if, without drawing unreasonably upon its time and patience—and in that respect I am bound to acknowledge the admirable example set by the Mover and Seconder—I were to point out what has already taken place, and set forth the leading points in such a way as will enable me in a not very great number of minutes to submit the essential questions to be borne in mind. The Resolution of the United States Congress was passed in February, 1890. I have read nearly the whole of that Resolution, and incorporated it in the draft Amendment I have prepared. In April, 1890, a Conference met of no less than 18 of the American Republics.

*MR. CREMER: I have received information, which has been corroborated from several quarters, that the Resolution of the Congress was passed on April 4, 1890. Still, it is no great matter whether it is April or February.

MR. W. E. GLADSTONE: Of course, I am speaking, not from original knowledge of my own, but from the official records, which I will place in the hands of my hon. Friend to enable him to check the statement. It is not, however, a very important matter, and the hon. Member will be able to satisfy himself as to the date from the Papers that will be laid on the Table. In April, 1890, according to my statement, only two months after this Resolution had been passed, a Conference of 18 Republics gathered together and agreed to a Resolution recommending arbitration for the settlement of International disputes, and finally they agreed to a form of Arbitration Treaty. This Treaty was placed immediately in the hands of this House, and it was signed by 10 out of the 18 Governments concerned. The character of the Treaty is not at all obscure or complex. It begins—I think it is the second Article—by pointing out a number of important subjects which were fitting subjects for arbitration, and which the contracting parties bound themselves to refer to arbitration. The next Article was more sweeping, and said that subjects of International dispute generally ought to be, and should be, referred to arbitration. Then comes another Article—I think it is Article 5—which makes an important reservation, and states that there is one exception to the scope of the foregoing Articles, and it is this—that no country is to be bound to refer to arbitration any subject-matter with regard to which it may be of opinion that the matter in dispute tends to imperil its independence. Well, of course that is a very important reservation, but not so important in America probably as it would be in Europe, or, I should rather say, not so obstructive to the Treaty. Hon. Members will observe that this is the case of a Treaty between the great vast Republic of the North and the comparatively minor States of the South. I am not quite sure which of the Southern States signed the Treaty, or whether Brazil did so or not. It is obvious, in the first place, that the Republic of the United States is in very little danger of having any question

raised between itself and one of the South American Republics which might possibly imperil its independence. Moreover, I should not imagine that any of the South American States would have the smallest disposition or cause to raise any quarrel with the United States Republic which would be likely to imperil their own independence. Almost all of them must be exempted from any such apprehension or desire. It is evident that what we have opened to us here is a system very simple upon the whole, fairly workable according to all experience, most beneficial in the character of the stipulations it contains, and in the example it sets to the rest of mankind. But it is equally evident that when we come to cross the Atlantic we have much greater difficulties to encounter, for there vast Armies are maintained by the great States; and, although all may have the best intentions to maintain peace, the cause of peace is ever trembling in the balance. Therefore, we must not suppose that the question is so easy on this side of the Atlantic. That is the nature of the Treaty, and I think I have given a sufficient account of it. In October, 1890, after no very prolonged delay, the United States Government brought the Resolution by a Circular Despatch which will be laid before the House to the knowledge of the European Governments, including our own; and now I am going to quote words which express exactly the point to which the President deemed it discreet to go in the exercise of the powers he had received. As I have said, he forwarded an account of the Treaty, and, I believe, the Treaty itself, and he expressed a hope in these words—

“That the important objects now sought to be attained may favourably impress this upon Her Majesty's Government.”

Those were significant words, but, at the same time, it is plain that they were words which did not amount to an invitation to negotiation, though they opened the subject and gave an opportunity to the Governments to whom they were addressed to make replies more or less favourable in their tone. A reply on the merits of the question was not, however, challenged. The only record of any reply that we have is that the United

States Government were informed very shortly afterwards that the proposal would receive the careful consideration of Her Majesty's Government. I know not exactly what steps were taken towards that careful consideration; but I do know—and I acknowledge with pleasure the fact—that the proceedings now going on in Paris bear emphatic testimony to the desire to promote the settlement of disputes by the method of arbitration. But I am bound to tell my hon. Friends that the whole evidence was not entirely on one side. In October, 1891, President Harrison made an address to a Religious Body, the OEcumenical Methodist Council, an address which was, perhaps, somewhat sanguinary in its tone. He pointed out that there are limitations as yet to the complete and general adoption of such a scheme, and he goes on—

“It is quite possible to apply arbitration to a dispute as to a boundary line. It is quite impossible, it seems to me, so to apply it to the case of International feud. If there is present an aggressive spirit to seize territory or a spirit of national aggrandisement which does not stop to consider the rights of other people, in such a case and in such a spirit International arbitration is a remote and difficult operation.”

And he went on to say that it might be that the full application of the principle was not at present possible, “the devil being still unchained,” and they would probably best promote the settlement of International disputes by arbitration by letting it be known that if there was an appeal to a fiercer tribunal the United States would not be out of the debate. That seems to qualify the very rosy colour which my hon. Friend has placed on past proceedings on this question, and will, perhaps, assist the House to form its own judgment on the matter. I will only say, in conclusion, these few words; and although these declarations in favour of arbitration and in the general interests of peace as well as against vast military establishments are of great value, there is another method of proceeding which, I think, in our limited sphere, we upon this Bench have endeavoured to promote, and to which I have attached very considerable value, and that is the promotion of what I may call a Central Tribunal in Europe, a Council of the Great Powers, in which

it may be anticipated, or, at all events, may be favourably conjectured, that the rival selfishnesses, if I may use so barbarous an expression, may neutralise one another, and something like impartial authority may be attained for the settlement of disputes. I am quite convinced that if selfishnesses were to be sunk and each State were to attain to some tolerable capacity of forming a moderate estimate of its own claims, in such a case the action of a Central Authority in Europe would be of inestimable value. Let us do all we can in the direction which the hon. Member desires us to take by encouraging a preponderance of collective opinion in Europe over the individual selfishness of separate Powers. But depend upon it the root of the whole matter lies in the fact to which I referred some time ago, that the true way to promote the cause of peace, and the most effective of all ways, is to cherish that habit of mind by which we are enabled and accustomed to form just, moderate, rational estimates of our own claims, and not to pitch those claims at an extravagant height, and so lay the basis of future quarrel and possible bloodshed.

*MR. SPEAKER: If the hon. Member for the Haggerston Division intends to withdraw his Amendment in favour of that of the Prime Minister, I think it would be more convenient if he were to take that course at once, instead of waiting till his present Amendment becomes the substantive Motion.

*MR. CREMER: After consultation with the Seconder of the Motion, and with some of my friends who have been good enough to promise to support me, I may say I think it would be advisable, for many reasons with which I need not trouble the House, to withdraw my Motion, and accept the Amendment of the right hon. Gentleman.

Amendment, by leave, withdrawn.

Main Question again proposed, “That Mr. Speaker do now leave the Chair.”

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “this House has learnt with satisfaction that both Houses of the United States Congress have, by Resolution, requested the resident to

invite, from time to time, as fit occasions may arise, negotiations with any Government with which the United States have, or may have, diplomatic relations, to the end that any differences or disputes arising between the two Governments which cannot be adjusted by diplomatic agency may be referred to arbitration, and peaceably adjusted by such means; and that this House, cordially sympathising with the purpose in view, expresses the hope that Her Majesty's Government will lend their ready co-operation to the Government of the United States upon the basis of the foregoing Resolution,"—(*Mr. W. E. Gladstone*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

***MR. J. W. LOWTHER** (Cumberland, Penrith): I hope that the House will accord me some degree of sympathy in the difficult position in which I find myself at the present moment. I have to follow a speech to which the whole House has listened with rapt attention, all the more marked, I think, because it comes from the right hon. Gentleman on the last Parliamentary evening of a very arduous and somewhat contentious week. I trust that, in the few observations which I shall have to offer, I shall in no degree disturb the harmony which seems to exist, and which found in the speech of the Prime Minister an echo from the speeches of the Mover and Seconder of the Resolution. I feel bound to say, however, that I cannot take quite such a rosy view of the results which are likely to follow the acceptance of the Resolution as was taken, apparently, by hon. Members opposite. This question of International arbitration has been before the House for a long period of time. I think it was last discussed here in 1873; and I am bound to say, for my part, that the Resolution now before us, and which is likely to be accepted, is a great improvement on the one carried in the year 1873, for that seems to me to have been totally impracticable. This one, at all events, can do no harm whatever, even if it may not do a great deal of good. I think, also, the fact that since 1843 we have been engaged in numerous arbitrations on a great variety of subjects proves more conclusively than any

Resolution we could adopt that this country has accepted the principle of arbitration for International disputes. The Prime Minister, in the course of his speech, gave a list of the arbitrations which have taken place since 1822, and, according to his calculation, there were 14. I have also been at pains to examine the number, and according to my calculation it is 18.

MR. W. E. GLADSTONE: My list only came down to 1885.

***MR. J. W. LOWTHER:** Since then there have been four—one completed, one approaching a solution, and two not very far advanced. And it is extremely satisfactory to note that eight of these arbitrations have been with the Government of the United States, thus giving proof of our strong desire to apply the principle of arbitration to disputes which may, unfortunately, from time to time arise. The Prime Minister, when dealing with this question, seemed rather to suggest that the result of these arbitrations might tend to throw cold water upon our anxiety to adopt the principle in the future. I think, on the contrary, that the mere fact that we have so often been defeated in these arbitrations, and have, nevertheless, gone on steadily applying the principle whenever it could be applied, constitutes an argument which shows we are as a nation, whatever Government may be in power, determined, whenever opportunity properly arises, to apply the principle. I would point out that during the last 10 years we have inserted in several Commercial Treaties an Arbitration Clause for the settlement by arbitration of differences that might arise out of those Treaties; and in the Act which resulted from the Berlin Conference of 1885 a clause was also inserted providing, not exactly perhaps by arbitration, but by mediation, for adjusting any disputes that might arise between the signatory Powers in reference to territorial possessions on the Congo or in West Africa. Therefore in this matter we have a clean record. We have set a good example to the world. Whether this Resolution in favour of International arbitration is

passed or rejected, the mind of the country is undoubtedly set upon carrying out the principle of arbitration, and successive Governments have applied it as far as it has been in their power to do so. I rather regret that the Mover and Secunder of the Resolution dealt so much in generalities. I am certain that no one on this side of the House would dispute their condemnation of the horrors of war, and the terrible expense it involves; but I am sorry they did not address themselves to the more practical question of how a Treaty of Arbitration with the United States would advance matters. I pointed to the fact that during recent years we have on no fewer than eight occasions entered into arbitration with the United States in cases where differences had arisen between us; and I say that if a Treaty of Arbitration had been in existence during those years no more could have been done than has been effected without the existence of such a Treaty. For it must be borne in mind that if such a Treaty was in existence, each separate question of difference as it arose must itself be the subject of a fresh Treaty. I do not suppose it is suggested that we should try to fix upon some tribunal which is for all time to settle differences that may arise between ourselves and the United States. That would be a very dangerous proposal to adopt. I need not go into the question of the reasons which make some Governments jealous of our own, nor need I go into the reasons why from time to time our relations with other Governments undergo a process of change. I think I may content myself with saying that it may very well be that the Government upon which the United States and ourselves may agree at the present time as a very proper and just tribunal to settle our differences may, in the course of a few years, become anything but an acceptable tribunal, either to the United States or to ourselves, before which to lay our differences. As each case of difference arises there will have to be a fresh tribunal, and the basis on which the arbitration is to take place will have to be settled. Remember, also, that an Arbitration Treaty in itself cannot compel arbitration. Suppose a grave question were unfortunately to arise between ourselves and the United States, on which

the people of both countries felt very deeply—a question which was felt to be worth fighting for, it would be easy to tear up the Treaty of friendship we now have with the United States and the Arbitration Treaty besides. Arbitration does not necessarily preclude war. For instance, suppose one of the parties to an arbitration declined to carry out the award of the arbitration? A case of that kind actually occurred in 1839, when the Government of the United States and the Government of Mexico entered into an agreement to refer certain claims made against the Government of Mexico to four Commissioners, and in the event of the Commissioners disagreeing an appeal was to be made to the King of Prussia. The Commissioners met the following year; they allowed certain claims, and it became the duty of the Government of Mexico to carry out the award. They declined to do so, and the United States declared war against Mexico in order to enforce the arbitration. I do not say whether the Government of the United States were right or wrong in the course they took. I am not passing any judgment whatever upon it. I am simply laying down the general proposition that arbitration does not necessarily of itself preclude war. If I thought that by passing the present or any similar Resolution, and by entering into a Treaty of Arbitration with the United States, we would get rid of the chance—even the remote chance—of war arising, I would vote for it at once. But we have to look at the matter as practical men. Even with regard to the Government of the United States itself, and the Resolution of Congress in 1890, to the history of which the Prime Minister referred, there is a singular circumstance to be noted. The Joint Resolution of Congress was passed in February, 1890; but in June of the same year, only a few months afterwards, another Joint Resolution was passed by Congress authorising the President to take such measures as might be necessary to promptly obtain indemnity from the Venezuelan Government for injuries sustained in respect of a Steamship Company at the hands of Venezuelan belligerents in 1871. The professions of universal peace, which the month of February witnessed, were in the month of June, in the case of Vene-

zuela, unfortunately forgotten. There can be no doubt—the Prime Minister was very careful to put the point clearly—that cases may arise between nations which cannot be referred to arbitration; and I can only hope, if the Resolution is passed, and if the Government thereupon proceed to enter into negotiations with the United States for a Treaty, they will be careful to exclude such questions. There was one circumstance, by the way, to which the Prime Minister did not refer when he quoted the speech of President Harrison at the Ecumenical Conference. After dwelling on the advantages of peace at the Conference, President Harrison, I find it recorded, went straight to the arsenal and spent many hours inspecting the guns. In the great Debate which took place in 1849 Lord John Russell indicated very clearly those questions which no country would be prepared to submit to arbitration. He said—

“There are questions which occur between nations that cannot well or fitly be submitted to arbitration—questions involving the dearest interests, the honour, or safety of a country, which if a Government proposed to submit to an arbitrator, the force of public opinion and public feeling would be such as to render it impossible for a Government to carry out such a purpose.”

I do not think I need detain the House further. I say the facts of the last few years are the best assurance as to the future. I think we can see in the fact that over and over during the last 60 or 70 years we have been prepared to refer cases of great moment exciting a great deal of feeling to arbitration, an earnest and a pledge that future Governments will be prepared to carry out the principle of International arbitration.

*Mr. STANSFELD (Halifax) said, he found some difficulty in apprehending the object of the hon. Gentleman, who seemed, while not professing any intention of opposing the Resolution, to throw cold water upon it. Instead of addressing himself to the great subject placed before the House, the hon. Member invited the House to consider the merits of former Governments in entering upon arbitrations in which they had been beaten, and propounded the proposition that it was better to follow the policy of

Mr. J. W. Lowther

the past than to enter into Arbitration Treaties.

*Mr. J. W. LOWTHER: I am sorry to interrupt the right hon. Gentleman, but I do not think my argument can bear that construction. I said the fact that though we had been beaten several times in arbitration we were quite prepared to accept it told very strongly in favour of continuing the principle of arbitration.

*Mr. STANSFELD said, the hon. Member advocated the principle of being ready to enter into arbitration when the time arose, but of not entering into an Arbitration Treaty. That position was precisely the reverse of the position taken by those who supported the Motion. They felt that no greater benefit could accrue to general progress and peace than by arriving at a relationship between nations which would substitute the arbitration of competent tribunals for the arbitrament of the sword. He would address himself to the subject raised by the Resolution. His excuse for so doing was that he was one of the 234 Members who in 1887 signed a Memorial to the President and Congress of the United States, which was the origin of the proceedings which had culminated in the Resolution before the House. His right hon. Friend the Prime Minister had substituted for the original Resolution a Resolution of his own, with the consent of the Mover and Seconder. He believed that the amended Resolution was more binding upon the Government, by whose Chief it had been proposed, and would have far greater weight and value in European International discussions than if it had simply been assented to by the Government and accepted by the House in its original form. He was under no obligations; his free speech was unhampered, and he wished to say what he thought on this subject in the fewest possible words. He himself went further than the Resolution. What object or interest could compare in value for this country with the object and interest of peace? As the Seconder of the Resolution had pointed out, Lord Derby declared that peace was the greatest interest of this country. As far as International

affairs were concerned, peace was almost the only interest of this country. What International Reform could conceivably compare with it? Unless they were to go further; and there was a further road to travel and a further goal to reach than the goal of Arbitration Treaties. No country was more interested in peace than ourselves, for we had given more hostages to fortune than any other country, and we had more vulnerable points—we had more to lose and less to gain by war, and it would be utter folly if we did not understand that it would be for our best advantage at the earliest possible moment to enter into a Treaty of Peace and Arbitration with the great Anglo-Saxon race on the other side of the Atlantic. But arbitration was not the goal. The ultimate ideal was an International Law, created by the society of nations, forbidding International breaches of the peace, and settling disputes between nations as the disputes between the citizens of individual States were settled. That was a distant ideal; but it was well to have it always in view. Diplomacy was the first step to its attainment. The assertion of neutral rights and interests was the second, with the consequent restriction of the rights of belligerents. They all knew that the old International Law was a law of belligerents, created by belligerents, and imposed upon neutrals; but the true International Law—the International Law of the future—must be settled by neutrals and imposed on belligerents, and must restrict the acts of individual nations in the interest of the world at large. Conferences and Congresses of Nations were useful as training them towards the ideal; and the highest example of these was the Alabama Treaty Conference, a part in which was the proudest privilege he had ever enjoyed. The Prime Minister referred to the great conception of some permanent Council of the Great Powers sitting to judge and adjust the quarrels of the nations of the civilised world. That was the future completion of the idea of Congresses of Nations. These Congresses would train the nations to the building up of a true International Law to find its sanction in the future. A general system of arbitration was a still

further step towards that ultimate law which would mean a general disarmament, and the almost impossibility of war between the great civilised States of the world. Above all other things, it was the interest of Great Britain, as a peaceful, wealthy, and industrial nation, to lead the way in this matter; and the opportunity was afforded by the action and initiative of the Congress of the United States. No time could be more fitting. Some people might imagine that in the present condition of Europe the time was not propitious. He believed that the present condition of Europe made the present not the less, but the more fitting time for taking some step towards the goal of which he had spoken. Europe groaned beneath the weight of her armaments, and trembled beneath the tread of millions of armed men, and some way out of the present *impasse* must be found. If they did not find a way out of the difficulty, the greatest catastrophe, the most frightful loss, the greatest social ruin were the inevitable future of the civilised world. Everyone in Europe felt the future coming like a dread doom. As a matter of fact, these conditions of Europe which he had endeavoured to describe were already affecting the minds of men, and preparing them for a perfect revolution of ideas. They had a chance of setting an example; and he asked the hon. Gentleman who had endeavoured to chill their enthusiasm why should they not hope the most from arbitration, or what had they to fear from it? When the two Anglo-Saxon communities on both sides of the Atlantic had agreed together by Treaty for the constitution of Courts of Arbitration, they would feel a mutual sense of immense relief, and they would be setting a fruitful example of the supremest common sense to the world. He held the opinion that the opportunity offered them was the best possible opportunity. The Resolution, even as amended by the Prime Minister, did not ask the Government to open any general communications and negotiations with all the nations of the world or to undertake an initiative, but simply to lend a favourable ear and give a favourable response to an initiative propounded. The precedent of 1873, referred to by the Prime Minister, was of a

different kind ; the proposition, then, was that the Foreign Secretary should be authorised and requested to enter into general negotiations towards the composition of some International tribunal to settle International disputes. That proposition was open to many objections ; but to what objection was this proposition open ? Surely it was well worth while to try to make a sensible Treaty on the subject. Nothing could be easier than that proposed to be done. The United States were prepared to receive readily any negotiations to which they might be invited by the President of that country, who had been requested by Congress to enter into such negotiations. Meantime, this was a subject not merely for the Government, but for the House. They had now secured the acquiescence of their own Government. Nothing could be truer and greater than the proposition that in the midst of armed Europe, with millions of men crushing down the industries of the time, the still small voice of political conscience should be raised to say that all this was folly that should be put a stop to. When public opinion had once mastered this subject—and the people of the world were fast being driven to the conclusion that they should compel their Governments to this conclusion—they would have succeeded in creating at once a moral and physical European collective power, against which all the ambition of warlike nations and the tendencies and temptations of individual nations would strive in vain. He earnestly recommended the Resolution.

* SIR G. BADEN-POWELL (Liverpool, Kirkdale) said, he had not the capacity, even if he had the desire, to follow his right hon. Friend to the high level of what he could not, but call an International Millennium, for he did not think that in his lifetime, at all events, they would ever arrive at it. But, as many Members of the House knew, he recently had had practical experience in a great case of arbitration, and from that practical experience he might be able to offer a few words which would have weight with the House. In two directions he thought his experience would be useful to them. In one of those directions they had to deal

Mr. Stansfeld

with the case not only of present danger to the peace existing between two great nations, but to deal with a case of uncommon perplexity of detail. The other direction in which they had to work was one in which his right hon. Friend who had just sat down would not have regarded arbitrations as always easy. They had to deal with a nation which they knew had already in Congress proposed that arbitration should always prevail between themselves and us. And although both nations and both Governments and the Commissioners on both sides were all of them anxious in this matter of arbitration, yet they found difficulties provided at every turn, which prevented them obtaining an adequate Treaty. He was not in a position to tell the House what was occurring and what had occurred in this arbitration ; but he would say they had met with a measure of very considerable success, if only in the fact that they had obtained and secured that these very complex questions should be submitted to arbitration ; and he ventured to say from his experience of that work, which had now occupied him personally since May, 1891, that he had far greater hope in the ultimate success of arbitration between nations than he ever had before. Hope and confidence were founded not on theory, on what they might wish to see in the future, but on actual practical experience, which was already matter of history. He would like to point out that in this, as in all other arbitrations, the one great difficulty was that of ultimate sanction, and it was a problem that remained yet unsolved. With regard to the 14 cases of arbitration which the Prime Minister had put before them as showing the difficulty of entering upon such a course, it was quite true that they had failed in a great many of those which affected their just interests ; but he had been at some pains to study the history of those cases, and he ventured to assert that the lesson to be derived from those cases was that, as a nation, they had been too apt to enter upon arbitration without having acquired a proper and adequate knowledge of the facts of the case, and he might add that in the most recent case they had endeavoured to arrive at a full knowledge of the facts of the case before they entered the Arbitration

Court. There were many cases in which we could obtain the settlement of disputes by arbitration, and by so doing we should be pioneers in a policy which would conduce to our own prosperity and to the saving of modern civilisation from the fate that wars had brought upon previous civilisations.

*CAPTAIN NORTON (Newington, W.) said, that having for years been connected with one of the great fighting professions, he did not wish that their motives should be misjudged in this matter. He held that under certain conditions—where the existence or freedom of a nation was concerned—war must be the ultimate issue; but he agreed with the distinguished soldier, the late General Sheridan, that things were moving in a very different direction now to what they did some years ago. They were told less than a century ago that to abolish duelling would be impossible; but duelling had now practically ceased to exist in this country, and the reason why it still existed in certain foreign countries was that it had become a farce. He believed with General Sheridan that the great precision of modern weapons—the destructiveness of which they might judge by a recent invention—would lead to such a state of things that among civilised nations war would become practically impossible. Neither France nor Germany had gained anything by the war of 1870. John Bright pointed out that if the case of the Crimean War had been referred to arbitration it would, in all probability, never have taken place. Of one thing he was convinced—that as civilisation and education advanced the democracies of Europe would certainly be averse to being pushed into war by diplomats before the matter had been referred to arbitration. It had been frequently stated that democracies were aggressive, and they were referred to the wars of France after the First Revolution; but that was a brutal and an uneducated democracy. America was then pointed to—the war between North and South; but there they were fighting, on the one hand, for great material interests, and, on the other, for a grand principle. He

therefore maintained that, though there might be many instances in which it might be impossible to avoid war, there were also many in which, by means of arbitration, great and disastrous wars might be avoided. He believed that before a century had rolled by we should see a great people—the Anglo-Saxon race—numbering not 100,000,000, but in all probability 300,000,000 or 400,000,000, with such vast power, such vast moral influence, and such illimitable wealth that that nation would be practically able to dictate terms of peace to the world.

*SIR R. TEMPLE (Surrey, Kingston) said, he would not follow the hon. Member who had just sat down (Captain Norton) into his fairyland of day dreams, but rose to vindicate the eminently sensible, judicious, and practical speech delivered by the late Under Secretary of State for Foreign Affairs from the adverse criticism directed against it by the right hon. Gentleman the Member for Halifax (Mr. Stansfeld). As a miserable sinner, he, of course, humbly accepted the doctrine preached by the right hon. Gentleman as to the horrors of war; but he felt that the difficulty lay in the application of the doctrine. The question was, how were they to prevent war in certain circumstances? Would the right hon. Member for Halifax kindly instruct the House what we were to do if we were insulted nationally, if the just interests of our teeming millions were attacked, or if we were invaded? Nobody had a more tender or affectionate regard than he had for our American cousins; but would the right hon. Gentleman kindly instruct them as to how the desirable object they all had in view was to be attained if the United States were, unfortunately, to insist on an International dispute? It was not enough to preach to them the doctrine of general policy; they must be shown what they were to do, and how they were to do it. His hon. Friend the late Under Secretary of State for Foreign Affairs endeavoured to show some practical difficulties in the way of the proposal, whereupon the right hon. Member for Halifax accused him of throwing cold water upon it and giving it a chilling reception. He (Sir R. Temple) entirely demurred to that. His

hon. Friend did nothing of the kind. What he did was simply to point out some of the practical difficulties, and to show how hard they would be to overcome. This Resolution proposed by the Prime Minister was in general terms; but if it was to lead to any result there must be some agreement. There must be something in writing. He did not suppose any hon. Gentleman would wish them to be content with a mere verbal understanding, a mere interchange of diplomatic communications; but they would wish to see something definite proposed. He supposed they must be in the shape of diplomatic Protocols, following by some agreement terminating in a Treaty. He concluded that a Treaty, in some shape or other, sooner or later there must be. The tenour of that Treaty would be to set forth that whatever disputes should arise between us and the United States should be settled by arbitration. What happened then? Were we to be subject to a general system of arbitration? If it were a question of boundaries, or territory, commercial relations, or the seal catching in the Behring Sea and the fisheries in the Pacific Ocean, no doubt these questions would form fitting subjects for arbitration. But, as his hon. Friend (Mr. J. W. Lowther) had pointed out, they had that already, and there was no dispute of that sort which had arisen within the last two generations but had been referred to arbitration; and, no doubt, whatever dispute of this nature arose in the future would be so referred. But behind all this there were greater questions which might arise between two high-spirited nations; and, no doubt, of all disputes the most serious were family disputes. Now, disputes between Great Britain and the United States were essentially of a family character. Looking to questions of that kind, he would just again refer to a passage from the speech of President Harrison. What did the President say? He said—

“It is quite possible to apply arbitration to a dispute as to a boundary line. It is quite impossible, it seems to me, so to apply it to the case of International feud. If there is present an aggressive spirit to seize territory or a spirit of national aggrandisement which does not stop to consider the rights of other people, in such a case and in such a spirit International arbitration is a remote and difficult operation.”

Sir R. Te mple

He had no doubt hon. Gentlemen opposite would say that these remarks applied merely to us—to that nationality which was symbolised by the British lion. No doubt they did apply to us as much as to any nation; but surely they did not apply to us alone, and they certainly applied as much to our American cousins. The dispositions of the two races were very much alike. The spirit was equally high in both, and in all these matters it would be found that the Americans were very British indeed. Were we prepared to say, or to ask the United States to say, that any conceivable matter which might form the subject of dispute between the two nations should be referred to arbitration? [“Why not?”] Some hon. Gentleman asked, Why not? If the hon. Gentleman would consent to such a proposal, he apprehended that neither his countrymen nor their American cousins would. While sympathising thoroughly with the object of the Resolution, he felt bound to point out the practical difficulties which had already been indicated by his hon. Friend below him. He yielded to no man in the House; in regard, indeed, in affection for the Americans, and war with them would be fratricidal, indeed suicidal, to both parties. And having pointed out the difficulties in detail, he subscribed heartily to the general terms of the Resolution.

SIR W. HARCOURT: I only rise for the purpose of asking the House to pass this Resolution. The Resolution, which is of immense importance, was supported by the authority of the Prime Minister, and it affords me the greatest satisfaction to know that the House is about to pass it unanimously. I trust that the House will now take such steps as are necessary to place upon the Journals one of the most important Resolutions that can be submitted to it.

*MR. SNAPE (Lancashire, S.E., Heywood) observed, that as the speech of President Harrison had been quoted by the Prime Minister and other speakers, he (Mr. Snape) wished to say that he was present at the Ecumenical Conference at Washington, at which it was made, having been invited to read a paper there on the subject of Inter-

national arbitration. He could testify that President Harrison expressed the greatest sympathy with International arbitration. The United States Legislature had committed itself again and again to the principle of arbitration; and no country in the world was so advanced upon this question as the United States.

Question put, and negatived.

Words added.

Main Question, as amended, put, and agreed to.

Resolved, That this House has learnt with satisfaction that both Houses of the United States Congress have, by resolution, requested the President, to invite, from time to time, as fit occasions may arise, negotiations with any Government with which the United States have or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which cannot be adjusted by diplomatic agency may be referred to arbitration and peaceably adjusted by such means; and that this House, cordially sympathising with the purpose in view, expresses the hope that Her Majesty's Government will lend their ready co-operation to the Government of the United States upon the basis of the foregoing resolution.

IMPROVEMENT OF LAND (SCOTLAND)

BILL.—(No. 385).

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. BROMLEY DAVENPORT (Cheshire, Macclesfield) objected.

THE SECRETARY TO THE TREASURY (MR. MARJORIBANKS, Berwickshire) observed that the Bill was supported by Members on the other side of the House.

MR. DAVENPORT said, that was not enough. They should have some statement as to the object of the Bill.

MR. MARJORIBANKS said, the object of the Bill was to place land-owners in Scotland in the same position as they were in England with regard to the planting of trees.

MR. T. W. RUSSELL (Tyrone, S.) said, surely the right hon. Gentleman could give them some explanation as to the details of the Bill.

*SIR J. GOLDSMID (St. Pancras, S.) said, that a Bill of this sort might be very useful, but it certainly should be explained. The Government at present offered no explanation of any Bill except the Government of Ireland Bill.

SIR C. PEARSON (Edinburgh and St. Andrews University) said, that although the right hon. Gentleman had stated that the Bill was supported from that (the Opposition) side of the House, he observed there was a Notice on the Paper to the effect that it be read a second time that day six months; therefore, there was at least some necessity for some explanation being given about the Bill.

THE CHANCELLOR OF THE EXCHEQUER (SIR W. HARCOURT, Derby): I do not know whether the hon. and learned Gentleman represents himself as an opponent of the Bill—

SIR C. PEARSON: Certainly not.

SIR W. HARCOURT: The hon. and learned Member for Wigton, I am informed, is the principal promoter of the Bill, which is the outcome of the deliberations of the Committee on Re-forestry. The whole Bill is contained in one clause, which states that—

"Enumeration of the improvements contained in Section 9 of the Improvement of Land Act, 1864, is hereby extended to the purpose of applications made to the Board of Agriculture after the passing of this Act, so as to include the planting of woods and trees."

It appears from this that the Act only applies to England, and does not apply to Scotland, and surely no one can object to extending it to Scotland so as to facilitate the planting of woods and trees. Dr. Johnson said himself there were no trees in Scotland, and if that is so, it is very desirable that this particular Bill should be passed.

Motion agreed to.

Bill read a second time, and committed for Monday next.

NEW LICENCES (IRELAND) BILL (No. 94.)

COMMITTEE. [*Progress, 22nd February.*]

Bill considered in Committee.

(In the Committee.)

Question again proposed, "That Clause 1 stand part of the Bill."

MR. BROMLEY DAVENPORT said, as there appeared to be no one present who had charge of the Bill, he moved to report Progress.

[Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Bromley Davenport.*)]

MR. T. W. RUSSELL said, this measure had been in charge of the hon. Member for North Louth for a long time. He (*Mr. Russell*) opposed it last Session because it contained clauses that he considered objectionable. Those clauses had been removed, and as the measure in no way affected present licence-holders, but only affected new licences, he hoped his hon. Friend would not persist in moving to report Progress.

MR. CONYBEARE (*Cornwall, Camborne*) remarked, that the Bill had been before the notice of the House for a considerable time and had been fully explained. He believed that it was favourably viewed by both sides of the House.

MR. DAVENPORT said, his recollection was that on the Second Reading objection was taken from those (the Opposition) Benches, and the hon. Member in charge of the Bill made a protest and an appeal, stating that hon. Members from Ireland were in favour of the measure, and under those circumstances they allowed the Bill to be taken after 12 o'clock. It transpired, however, that there was an objection to the Bill from the colleagues of the hon. Member in charge of it.

MR. M. J. KENNY (*Tyrone, Mid.*) : What colleagues ?

MR. DAVENPORT : I am unable to say. I know there was an objection by one hon. Member—I think the Member for South Down.

MR. CONYBEARE : It was withdrawn.

MR. DAVENPORT knew nothing about it being withdrawn, but the notice of objection was on the Paper. Shortly after the occasion to which he referred it was proposed to take the Committee

stage, and they were told there was no objection, but again it transpired that the objection had not been removed. The Second Reading having been taken under circumstances not exactly in accordance with the manner in which Bills ought to be taken, after 12 o'clock, he must persist in his Motion to report Progress.

MR. CONYBEARE : May I point out to the hon. Member, who has a faculty for opposing, in an unwarrantable manner, every kind of Bill, that every Notice of Motion for opposing this Bill has been withdrawn, and that there is not now a single Notice on the Paper in opposition to it.

MR. T. W. RUSSELL said, the hon. Member who was referred to as having objected to the Bill was present, and he showed no disposition to object now. There was no opposition on the part of the Irish Members, and he took it that whatever objection there had been before was more to taking the Bill after 12 o'clock at night than anything else.

MR. DAVENPORT declined to withdraw his Motion.

Question put.

The Committee divided :—Ayes 19; Noes 108.—(*Division List, No. 150.*)

It being after Midnight, the Chairman left the Chair to make his report to the House.

Committee report Progress ; to sit again upon Monday next.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 6) BILL.—(No. 374.)

Read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 14) BILL.—(No. 367.)

Read the third time, and passed.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 7) BILL.—(No. 375.)

As amended, considered ; to be read the third time upon Monday next.

LOCAL GOVERNMENT PROVISIONAL ORDER (HOUSING OF WORKING CLASSES) (No. 2) BILL.—(No. 370.)

As amended, considered ; to be read the third time upon Monday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 15) BILL.—(No. 368.)

As amended, considered ; to be read the third time upon Monday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 16) BILL.—(No. 369.)

As amended, considered ; to be read the third time upon Monday next.

LOCAL GOVERNMENT PROVISIONAL ORDER (POOR LAW) BILL.—(No. 256.)

As amended, considered ; to be read the third time upon Monday next.

WATER PROVISIONAL ORDERS (No. 2) BILL (*by Order*).

Ordered, That it be an Instruction to the Committee on the Water Provisional Orders (No. 2) Bill that they have power to insert a clause into the Llandrindod Wells Water Order empowering the Llandrindod Wells Local Board of Health to purchase the Llandrindod Wells Water Company's rights, powers, privileges, works, and property at a price to be agreed upon by the parties, such price in case of dispute to be settled by arbitration in the usual way.—(*Mr. Edwards*.)

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 17) BILL.—(No. 376.)

Reported, with Amendments [Provisional Order relating to the City of Coventry not to be proceeded with ; remaining Order confirmed] [Title Amended.]

Bill, as amended, to be considered upon Monday next.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 9) BILL.—(No. 378.)

Reported, with Amendments [Provisional Order confirmed] ; as amended, to be considered upon Monday next.

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LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 12) BILL.—(No. 365.)

Reported, with Amendments [Provisional Orders confirmed] ; as amended, to be considered upon Monday next.

TRAMWAYS PROVISIONAL ORDERS BILL.—(No. 336.)

Reported, with Amendments [Provisional Orders confirmed] ; Report to lie upon the Table, and to be printed.

Bill, as amended, to be considered upon Monday next.

SEAL FISHERY (NORTH PACIFIC) BILL. [*Lords*]

Read the first time ; to be read a second time upon Monday next, and to be printed. [Bill 393.]

MIDWIVES' REGISTRATON.

The Select Committee on Midwives' Registration was nominated of,—Mr. Albert Bright, Mr. Tatton Egerton, Dr. Farquharson, Dr. Fox, Sir Frederick FitzWygram, Sir Henry Howorth, Mr. Fell Pease, Mr. Priestley, Mr. Rathbone, Mr. Stephens, and Mr. Arthur Williams.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Five be the quorum.—(*Mr. Henry Fell Pease*.)

PRISON (OFFICERS' SUPERANNUATION) (No. 2) BILL.—(No. 359.)

Considered in Committee, and reported, without Amendment ; read the third time, and passed.

SOUTHERN RAILWAY (IRELAND) BILL.—(No. 364.)

Order for Second Reading read, and discharged.

Bill withdrawn.

PUBLIC WORKS LOANS BILL.—(No. 383.)

Read a second time, and committed for Monday next.

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CHAFF-CUTTING MACHINES BILL.
(No. 302.)

Read a second time, and committed for Monday next.

INDUSTRIAL AND PROVIDENT SOCIETIES BILL—(No. 294.)

Read a second time, and committed for Monday next.

MESSAGE FROM THE LORDS.

That they have agreed to,—North Sea Fisheries Bill, Local Government Provisional Order Bill, Local Government Provisional Order (No. 3) Bill, Local Government Provisional Order (Housing of Working Classes) Bill, Railway Rates and Charges Provisional Order [Cranbrook and Paddock Wood Railway, &c.] Bill, without Amendment.

That they have passed a Bill, entitled, "An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Reading." [Electric Lighting Provisional Order (No. 5) Bill [*Lords*.]]

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 5) BILL [*Lords*.]

Read the first time; and referred to the Examiners of Petitions for Private Bills, and to be printed. [Bill 394.]

PROVISIONAL ORDER BILLS.

(STANDING ORDER APPLICABLE THERETO COMPLIED WITH.)

MR. SPEAKER laid upon the Table Report from one of the Examiners of Petitions for Private Bills, That, in the case of the following Bill, referred on the First Reading thereof, the Standing Order which is applicable thereto has been complied with, namely:—Salmon Fishery Provisional Order Bill.

Ordered, That the Bill be read a second time upon Monday next.

EMPLOYERS' LIABILITY (SHIPPING INTERESTS ABROAD).

Return [presented 15th June] to be printed. [No. 257.]

ARRESTS FOR DRUNKENNESS (SCOTLAND).

Return [presented 15th June] to be printed. [No. 258.]

GREENWICH HOSPITAL AND TRAVERS' FOUNDATION.

Paper [presented 15th June] to be printed. [No. 259.]

LOCAL GOVERNMENT BOARD.

Copy presented,—of Supplement, in continuation of the Report of the Medical Officer for 1891-2, to the Twenty-first Annual Report [by Command]; to lie upon the Table.

ARMY (YEOMANRY PAY AND SOLDIERS' PENSIONS).

Copy presented,—of Further Regulations relating to the Pay of the Yeomanry Cavalry and to Pensions of Soldiers [by Act]; to lie upon the Table.

TREATY SERIES (No. 9, 1893).

Copy presented,—of Agreement between Great Britain and Germany respecting the Rio del Rey, on the West Coast of Africa. Signed at Berlin, 14th April 1893 [by Command]; to lie upon the Table.

STANDING ORDERS.

Resolution reported from the Committee; "That, in the case of the East Fife Central Railway Bill [*Lords*], the Standing Orders ought to be dispensed with:—That the parties be permitted to proceed with their Bill, on condition of the name of the Anstruther and St. Andrew's Railway Company being struck out of Clause 49."

Resolution agreed to.

House adjourned at ten minutes after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, 19th June 1893.

EARL OF DROGHEDA.

CLAIM TO VOTE FOR REPRESENTATIVE
PEERS FOR IRELAND.

Ordered and Directed, That a Certificate be sent by the Clerk of the Parliaments to the Clerk of the Crown in Ireland, stating that the Lord Chancellor of the United Kingdom has reported to the House of Lords that the right of the Earl of Drogheda to vote at the elections of Representative Peers for Ireland has been established to the satisfaction of him the said Lord Chancellor; and that the House of Lords has ordered such report to be sent to the said Clerk of the Crown in Ireland: And it is hereby also ordered, That the said Report of the said Lord Chancellor be sent to the Clerk of the Crown in Ireland.

NEW PEERS.

Sir Frederick Sleigh Roberts, Baronet, G.C.B., G.C.I.E., V.C., General and late Commander-in-Chief of Her Majesty's Forces in India, having been created Baron Roberts of Kandahar in Afghanistan, and of the City of Waterford—Was (in the usual manner) introduced.

Sir Henry Hussey Vivian, Baronet, having been created Baron Swansea of Singleton in the County of Glamorgan—Was (in the usual manner) introduced.

Several Lords—took the Oath.

SAT FIRST.

The Lord Mowbray, after the death of his father.

BREAD-STUFFS.

RESOLUTION.

THE EARL OF WINCHILSEA AND NOTTINGHAM moved to resolve—

“That in view of the grave danger which threatens this country in time of war, owing to the fact that it would be entirely dependent for its supply of daily bread upon uninterrupted communication with other countries by sea, this House urges upon Her Majesty's Government the duty of providing, by immediate legislation, that the quantity of bread-stuffs in the United

Kingdom shall not at any time fall below the amount necessary to provide bread for the whole population for six months.”

He said that, if any doubts at this moment surrounded the question of the security of our food supply in time of war, it was a good thing by public discussion and debate to dissolve and remove those doubts; and, if such a discussion were to take place, it was important that it should take place in time of profound peace, when the political atmosphere was not charged with electricity; and when, therefore, the discussion of the question would not have the effect of bringing upon us the storm which might otherwise break. There could be no doubt that there was a growing anxiety in the country as to the security of the food supply; and it arose from a greater understanding of the problem with which we should have to deal, and the struggle which the country would have to face if engaged in war with a great Maritime Power. It arose, also, from the increasing dependence on foreign countries for bread-stuffs. Last week the noble Marquess who was at the head of the late Government, speaking in the South of London, said—

“It is our great difficulty and danger that two-thirds of the food we consume we obtain from foreign lands, and therefore it is upon the ocean that the battle will have to be fought.”

The accuracy of the noble Marquess's figures was not in dispute; but he, in part, differed from the noble Marquess in thinking that the battle would have to be fought on the ocean. Although the ultimate issue must be decided on the ocean, there was a step which common-sense men could take in time, and which would place, if not the whole, a substantial part of the issue in a position of absolute security, not on sea, but on land. The danger really to be apprehended was not so much the possibility that the food supply of the country would be actually interrupted, or that the Navy would be unable to afford substantial protection to it; it was to be found in considerations which hitherto had been almost overlooked—the position of the food supply immediately after war was declared, and before it could be shown that the most admirable naval arrangements were sufficient. At present 27,000,000 quarters was the supply of bread-stuffs needed to keep the British population beyond want. Of the annual supply 16,000,000

quarters came from abroad, and the home supply was only 9,250,000. This home supply, moreover, was only available between the months of harvest and February; because the British farmer, being needy, could not afford to hold his produce, but must sell at the earliest possible moment. He would, therefore, call their Lordships' attention to this strategic point. At the very time when, in all probability, war would be declared—the early spring—the whole of the home supply of bread-stuffs would have been exhausted, and for the next six months the country would be absolutely dependent on the supply from abroad. On the 1st June in the present year the supply of English corn in the country only amounted to one month's consumption, or 2,250,000 quarters. He would point out the dangers which surrounded such a position; and he would submit a simple, effectual, costless, and opportune plan by which the statesmen of this country, if they would take a common-sense view of the matter, could place the country out of the reach of immediate danger. The average supply of bread-stuffs in this country at any given moment did not exceed one month's consumption for the whole population; and within the last 10 years it had more than once happened that the supply of bread stuffs had been reduced to 14 days' consumption. There was no law to insure even that very precarious condition of things; and what would happen if, in the midst of it, as was not inconceivable, the country were plunged into a war in which France and Russia were arrayed against us? The Amendment which had been placed on the Paper by Lord Sudeley was of an extraordinary character on account of the grave admissions which it contained—admissions which noble Lords on either side of the House would not be likely to agree to. Everyone who had followed the course of naval history during the last seven years must have seen that the attention of both Parties equally in Parliament and in the country had been wakened to the absolute necessity of placing the Navy in a position of supremacy; and, therefore, to ask Her Majesty's Government to accept an Amendment pledging them at this hour to provide a Navy which would insure to this country's supremacy at sea was to put them in a peculiarly unfortunate and

even ridiculous position. The Amendment did not traverse his Resolution, but urged upon the Government the duty of providing—

“For the maintenance of such a Navy as will, in their opinion and on their responsibility, insure to this country the supremacy of the sea.”

He thought it would be most unfortunate if it were to go forth to the world upon the authority of their Lordships that our Navy was not, at the present moment, in a position to insure the supremacy of the seas, for he thought that politicians on all sides were agreed that we had not only done our utmost, but that we had done sufficient to place our Navy in that position. If this Amendment were to be moved at all, it should be moved as a substantive Resolution; and the First Lord of the Admiralty, if he agreed with it, should bring it forward on his own authority, and it would then form the subject of many and important Debates in their Lordships' House. His point, however, was not that the Navy was insufficient for our present requirements; and, therefore, he believed it would be impossible for the Government to accept the Amendment. He trusted the noble Lord would see the desirability of withdrawing his Amendment, inasmuch as the Resolution did not traverse the position which the noble Lord took up in that Amendment. Suppose that we were engaged in a war with two first-class Maritime Powers, such as France and Russia—this digression was imposed upon him by the noble Lord's Amendment—what would be the duty of the Government? We should have to send a battle fleet to keep the battleships of these two nations in their own ports; we should have to send fleets to the Baltic, Black Sea, Toulon, Cherbourg, and to the Pacific, where Russia had a naval station; and in each case it would be necessary that the blockading force should be at least one-third in excess of the force to be hemmed in, inasmuch as that force would not necessarily be under steam at all, whereas we should be under steam and far away from our coaling stations. We should not only have to protect our grain ships from the attacks of cruisers and armed merchantmen issuing from hostile ports, but we should have to watch neutral coaling stations where those vessels might take

in supplies of coal. We should also have to send out fleets of protection to watch points of accumulation where the shipping of the world converges, such as the Atlantic Equatorial crossing, making their way to our ports to discharge their cargoes. These operations would have to be conducted simultaneously, and there should not even be a week's delay after war broke out before these vessels were at their different stations, for, otherwise, what was to become of this country with our limited supply of provisions? He hoped the Government would not put forward the objection that if hostilities were to break out we should then be ready to take the necessary steps in regard to our food supply, for it would certainly be impossible to do anything of the kind. Another danger would be that, assuming our telegraphic communication was imperfect—and there were few persons who were not aware how weak we were in this matter, for not many years ago, when there was a breakdown on the Suez Canal route, every message that was sent to our Indian Empire and to Australia had to go through Russia—we should have to communicate through other countries. Pleasant messages in time of war to send through Russia that we urgently required a supply of grain from any quarter of the world! Again, the tasks that would be imposed upon our Navy under the ordinary conditions of war would be immensely enhanced by an unfriendly or hostile attitude on the part of Ireland. The noble Marquess, in his speech in South London, had referred to this matter, and had drawn attention to the position which Ireland occupied towards Glasgow, Liverpool, and Bristol, and to the fact that our food supply came from the West. The fact that the Government which it was proposed to set up in Ireland would focus all the disloyalty and disaffection of that country, and that they would, no doubt, be in sympathy with large classes of their fellow-countrymen who were an influential voting power in the United States, would bring us face to face with another difficulty. At present no less than 38 per cent. of our foreign food supply came from the United States, and 12 per cent. from Russia. Supposing that by an Act which could not be construed into an act of war, the United States were to say they would prevent

that 38 per cent. of grain from coming to us, Russia would, of course, close her ports, and we should have then 50 per cent. of our food supply cut off, and we should not be able to prevent it. It would be in vain that our Navy was there ready and willing to protect the grain-ships, if they were prevented from starting at all. He was not disposed to concede anything to the argument which might be advanced that even if our own commerce was driven from the seas we could get our supply of grain in neutral bottoms. No less than 80 per cent. of the whole ocean-carrying trade of the world was done under the British Flag, and only 20 per cent. remained, therefore for neutral bottoms. When it was considered that these would be scattered all over the world, and that it would be impossible to unite them in reasonable time, as we might have to rely on them at a fortnight's notice, he thought that the argument would be seen to be sufficiently absurd. But, even supposing the Government were to say that some of our ships might be transferred from the British Flag to neutral flags for this purpose, this expedient would merely be a colourable pretence which no Court of Law would entertain for a moment. Besides, what was there to prevent a belligerent from declaring bread-stuffs contraband of war? It would be in the recollection of their Lordships that, during the war between France and Russia, France declared rice to be a contraband of war, on the ground that it was the main food supply of the country with which it was at war. He would concede that it might be probable or possible, within even a few weeks, to make the naval dispositions to which he had referred. But that was where the *crux* of the whole question lay. What would happen to this country while the naval arrangements were being made? What was wanted in this matter was not an admirable theory—not the opinion of the Government, not even their responsibility, whatever that might mean in these days, but an absolute security, something that the people of this country could see, touch, and handle. They wanted the supply of corn on shore, and not at the mercy of the winds, the waves, and our enemies, though they might believe that the united Fleets were inferior to our

own. The real danger, in his opinion, lay at the point at which war was declared or begun. The naval warfare of the future was a matter of experiment. It existed only, so far, on paper; it had not yet been tried; and, however admirable it might be on paper, they could not know for certain that there were no contingencies to provide against. History afforded instances in which the calculations of the most eminent statesmen had been corrected by experience. Supposing war broke out and an attempt was made to put this naval programme into force. In 1815, when this country was a self-supplying nation, the conditions were totally different. Even at that time, however, although our Fleet was not diverted as it was now from the primary duty of protecting the interests of the country at large in order to maintain our food supply, yet with our Fleet dominating the sea there were captures reckoned by hundreds under our very guns and in the Channel itself. What would happen supposing anything of the kind took place under present conditions? There was nothing more certain than that a declaration of war would produce two economic results in this country. In the first place, it would produce a great rise in the price of bread. In May, 1887, when there was a rumour of war with Russia, the price of wheat went up to 65s. 10d. per quarter, and in the Crimean War bread went up to 11d. per loaf. If the price should go up to 1s. per loaf, that made a difference in extra payment to the people of the country of £109,000,000 a year as compared with the price of bread at this moment. Other things would tend to raise the price of bread. In the next place, there would be an immense increase in insurance and freights, and the English holder of wheat would be suddenly transformed from a weak into a strong holder. They had also to add the rumours which might be expected to arise from interested speculators on the Stock Exchange and elsewhere. Not only would there be a rise in the price of bread, but in the price of raw material as well. The margin of profit would disappear; the price of bread would be raised to a point at which the working classes would be unable to pay for it, while large numbers of labourers and artisans would be thrown out of employ-

ment owing to the inability of manufacturers to employ them. What would be the effect? Was it to be supposed that, in a Government ruled by the people, the people would wait until the condition of affairs was equalised again? Would the people believe the assurances of the Government when it was known that the Government had nothing else but assurances to give? Even though the food supplies were safe and on the road, the Government could not assure the people that they would be able to buy supplies at a reasonable price. The result of an outbreak of war, no matter how strong our Fleet might be, would be to strangely move the working classes of the country, possibly to social disorder and panic; and the people would come knocking at the doors of Parliament insisting that they should have their food supply guaranteed to them, so that the hands of the Naval and Military Departments would be tied at the very moment when they should be most free. Under the plan he suggested the Government would have it in its power to insure the working classes their daily supply of bread; and surely, if that could be done without sacrificing public money, it should be done. The time now was opportune. They would have behind them at the time when the greatest tension was put on the chain a six months' supply of grain; and they would insure that the most important link of all, the moral support of the people, would not be wanting behind them. He submitted that this fact, of itself, showed that the scheme was well worthy the consideration of their Lordships' House. But, besides conferring these benefits, the plan would be economical. Suppose war declared in April, it would not be as in the time of the Thirty Years' War, when the troops went quietly into winter quarters, and renewed operations in the following spring. The war between France and Germany was declared and over in a very short time—practically settled in less than a month. War declared in April might be reasonably expected to be decided by the following August; and what would be the use of our starving population knowing there were millions of acres of land in the country on which the corn was six inches high? No doubt the encouragement of

wheat-growing was a subsidiary element of value. But what was the real answer to the problem? He suggested that they should establish State granaries. [*Laughter.*] He saw that some noble Lords laughed at that idea; but it was not an original idea on his part. The idea dated back to almost prehistoric times, and was following the example of Joseph in Egypt. It was at least 3,000 years old, and this would, no doubt, commend it to the Conservative mind generally. It had been the means of saving a great historical people, and he believed, if well managed, it would add to the resources of the Imperial Treasury. He did not know what answer would be given on the part of the Government; but he would proceed to show that the establishment of these granaries would cost the State nothing, and might be made, as he said, to increase the Revenue. Now, his proposal was that these granaries should be established in different parts of the country, easily accessible by sea, and within easy distance from the great centres of population. They would be erected by the Government, and the Government would be obliged by law to see that the contents never sank beneath six months' food for the people. He did not desire to go into detailed figures on the question; but he had had some leading figures supplied to him. The minimum in the granaries ought to be 13,000,000 quarters, and for a maximum of 20,000,000 quarters the cost of storage at 30s. per quarter, including cost of buildings and interest at $2\frac{1}{2}$ per cent.—for which they could easily borrow the money—a sum of between £32,000,000 and £33,000,000 would be needed. The plan would be to buy English wheat in the autumn, and by keeping that in the granaries under proper engineering appliances the wheat would increase in value, and could be sold in the spring as first-class English wheat. Those who knew what fluctuations took place in the grain market and the difference between buying and selling prices would not be surprised to hear that, managed by a Government Department, the profit was calculated at £1,000,000 a year to the country. This would pay the interest on the loan and leave a margin. He submitted that the plan he set out would be a measure of great public security; and he failed to see how the Government

could any longer refuse to avail themselves of so obvious an escape from the difficulty. There was much, at the present moment, to make a proposal of this kind opportune. The crisis in the agricultural counties was accentuated by the present exceptional drought; and if the plan were adopted they would, in addition to taking a measure to establish national security, render an important service to the agricultural interest. They would render an enormous service to the market where sales were made at cost price, and the increase in the price of wheat would not affect the price of bread, for it was well known that the price of bread did not rise proportionately with the price of wheat. They would bring that hope to the farmers which they had hitherto looked for in vain. It was possible that some of their Lordships had underrated the inherent importance of the matter. The working classes of this country might possibly persuade themselves on the occurrence of a crisis that it was their duty to wait events patiently; but how could a statesman look forward with complacency to the certainty that those classes would have to face privation that might be averted by a simple economic arrangement which would give them bread at a reasonable price? Surely a strong case was made out for consideration; and, at any rate, he hoped their Lordships would not accept the proposed Amendment, which seemed to imply that our Navy was not equal to the task that would devolve upon it. At least, he hoped their Lordships would not decline any longer to look in the face those difficulties that were inevitable, and difficulties such as no man of common sense would ignore in the case of his own family. Surely the possible starvation of the people could not possibly be tortured into a Party question. The question was not one of protection in any other sense than protecting the lives and liberties of the people; and, therefore, he hoped their Lordships would accept the Resolution.

Moved to resolve—

“That in view of the grave danger which threatens this country in time of war, owing to the fact that it would be entirely dependent for its supply of daily bread upon uninterrupted communication with other countries by sea, this House urges upon Her Majesty's Government the duty of providing, by immediate legislation, that the quantity of bread-stuffs in

the United Kingdom shall not at any time fall below the amount necessary to provide bread for the whole population for six months."—
(*The Earl of Winchilsea and Nottingham.*)

***LORD SUDELEY** moved (as an Amendment to the above Motion) to leave out all the words after the word ("providing,") and insert—

"For the maintenance of such a Navy as will in their opinion and on their responsibility insure to this country the supremacy of the sea."

He agreed with the noble Earl in so far as he had pointed out the grave danger that would threaten this country in time of war if commerce were interrupted, but did not agree in his remedy. The noble Earl had persuaded himself, on insufficient *data*, that we could not undertake to keep such command of the sea as would prevent our commerce being destroyed. To take the measures he proposed of locking up enormous quantities of bread-stuffs to feed the 30,000,000 of our people during six months would be attempting an impossible task at an enormous expenditure. It would be, at the same time, proclaiming to the world that we had given up once for all that splendid position of naval supremacy which prevented any interruption of our commerce, and of which we had hitherto been so proud. If the financial difficulties were overcome, he could not but come to the conclusion that such a scheme was utterly wrong, and was one that could only be resorted to if we had been reduced to a second-rate Power, and had no Navy to depend upon. If we were prepared to spend a large sum of money for such an insurance, let it be spent on making and keeping our Navy absolutely efficient. During the last two years we had had "the influence of sea power" in all its conditions most admirably laid before us in that very powerful work written by Captain Mahan, of the United States Navy, which completely proved his (Lord Sudeley's) case. It had been well said by Mr. Dasent—

"That the value of Captain Mahan's work consists above all in this, that they enable even civilians to grasp the principles which govern modern warfare, the principles on which the British Empire must be defended at the present time as in former years."

Did the noble Earl want us to adopt a new policy? Were we to sit in passive defence behind

great fortifications and, like Egypt in patriarchal times, to lay in stores of grain and to fill our granaries, and was the noble Earl to become a second Joseph? Nobody could have read these works of Captain Mahan's and then vote for the Resolution. So long as we had a Navy commensurate to the requirements of this country there need be no fear; but otherwise some proposal like the noble Earl's might become necessary. The noble Earl's Motion expressed a feeling which was spreading gradually throughout the country—that our Navy was not in such a state of efficiency, as compared with other Navies, as would render the security of our commerce absolute in time of war. Unfortunately, this was correct, and ought to be remedied. Credit was due to the late Government for the strides they made under the Naval Defence Act, and that policy, to the credit of the present Government, was being continued; but vastly more was required to be done, both as to *matériel* and *personnel*—we ought to have more ships and more men. What was the real state of the Navy at the present moment? We were not in the same position relatively with other nations that we once were. France and Russia had, during the last few weeks, determined to increase their shipbuilding programme to such an extent that they were together spending £2,000,000 a year more than we were. Our ships were magnificently built, our officers and men were a splendid set of sailors devoted to their duty in every way; but, unfortunately, we had not a sufficient supply of either ships, officers, or men. It would be easy to show any Committee of Inquiry that it was the opinion of all naval experts that we had not enough battleships, not enough torpedo-boat destroyers, and not enough cruisers. Amongst many other requirements, there was not even a single shell on board the ships ready to fire melinite or picric acid like the Navies of France, Germany, and Italy. Whatever might be the result of the noble Earl's Motion, he (Lord Sudeley) hoped that, at any rate, it would call attention to the danger we were in unless we had an absolutely powerful Navy. The position of the Naval Reserve also was not satisfactory. We were supposed to have 23,000 of them ready trained; but, as a matter of fact, only about 500 of them

had ever been trained on sea-going men-of-war. They were simply trained in hulks with obsolete guns, and the whole matter required looking into most urgently. Again, our armaments were of far too diverse a character, necessitating stores of the most complicated kind all over the world, instead of having four or five special types. The policy of the noble Earl might be summed up in the words of the parable—"Soul take thy ease, thou hast goods laid up for many years." He counselled, on the other hand, that their Lordships should remember that the command of the sea made costly forts and stores unnecessary, and that it was the only way for insuring a ready supply of food for our people. He, therefore, begged to move his Amendment.

Amendment moved,

To leave out all the words after the word ("providing") and insert ("for the maintenance of such a Navy as will in their opinion and on their responsibility insure to this country the supremacy of the sea.")—(*The Lord Sudeley*.)

LORD PLAYFAIR said, he declined to be diverted into a discussion upon the efficiency of the Navy, and would deal with the Resolution offered for the acceptance of the House. It was an extremely important one, and he wished to discuss it upon the merits of the proposal itself. He was not surprised that the noble Earl thought the time had come when statesmen should consider the altered condition of British agriculture. From 1850 to 1860 our home supply of wheat and flour amounted to 73 per cent. of our consumption. At the present time the home production of wheat and flour only amounted to 32 per cent. of the consumption, and the foreign supply to 68 per cent. The noble Earl dealt with this as a startling change; but there were many startling things connected with the production of food and manufactures. It was very startling, for example, to learn for the first time that the whole world was within 12 months of starvation. It was very startling to think that if the production of manufactures were stopped for two years the whole world would become as naked as the most primitive savages. But, somehow, the world was able to get on tolerably well, notwithstanding these not very probable contingencies; and the reason was that commercial

activities adapted themselves in a wonderful way to supply a demand. Now, what was the case which the noble Lord put before their Lordships? As to some of his figures, there could be little dispute, but with others he could not agree. The money value of the 26,500,000 quarters at 30s. per quarter, to which he referred, was £39,750,000 sterling, or say, in round numbers, £40,000,000. The noble Lord's proposal was very simple: that the Government should be under statutory obligation always to keep up a reserve of 13,000,000 quarters at public granaries at a cost of £20,000,000, reducible by sales. The initial cost would be much greater, for we must, of course, build public granaries to receive and store the corn. The noble Lord said we might tax foreign corn 1s. a quarter to pay the interest on the £20,000,000, and, as he thought the foreigner paid the tax, he would rejoice at the imposition. But Free Traders contended that all Import Taxes came out of the pockets of the consumers in this country, who would not appreciate this annual tax of £950,000 sterling. He further believed that a smart Government Department would necessarily buy in a cheap market and sell in a dear one, and, like the Post Office, be a revenue-producing Department, agreeable to Chancellors of the Exchequer. Whether the noble Lord had ever submitted his scheme to experienced merchants he did not know; but corn merchants assured him—and it was his own opinion—that if Government were to go into the corn trade all private trade would be disjointed, and might even be paralysed. It was a trade that needed the greatest watchfulness. People engaged in it required to watch its variations from week to week, and almost from day to day. If a Government were continually to interfere in the markets, trade calculations would become unreliable. But one thing was certain—that when Government had to buy for replenishment of its granaries it would have to buy at the top of the market, and when it unloaded its stores it would have to sell at the bottom of the market. Suppose the Government had to purchase 5,000,000 quarters at a given time, under conditions of a bad harvest, the effect on foreign markets would be to raise the price; from 10s. to 20s. a quarter—a

result which would please the noble Lord greatly, but would make bread much dearer to the people of this country than it would have been under the operations of individual enterprise. Let their Lordships consider a case which was far from being infrequent. In October, 1891, there was a bad harvest in this country, and also in France. Californian wheat, which now sold at 29s. 3d., rose under the apprehended scarcity to 46s. 6d. under individual trading; and it probably would have cost the Government, buying under statutory obligation, from 50s. to 60s. But the scare passed away, and in a few months it dropped to 36s., so that there would have been a loss of £5,000,000 or £6,000,000 upon the transaction. Would the Chancellor of the Exchequer be pleased, under those circumstances, with the noble Lord's method of storing up corn? What would be the position of a Government which had filled its public granaries at 50s. or 60s., and found itself encumbered with a six months' supply at a shrunk valuation of £5,000,000 or £6,000,000 sterling? It must sell because the commodity was perishable, and it must either face the loss or try to get the higher price by charging the people with an extra 2d. on the 4lb. loaf. This would lead to bread riots if persisted in, and the Government would be forced rather to submit to the loss of £5,000,000 or £6,000,000 sterling, and so derange the Budget for the year. The noble Lord looked, no doubt, to his scheme for raising the price of wheat to a more remunerative figure than it was at present. In normal years it would, on the contrary, have a tendency to lower the price. Whenever the foreign supply of wheat in spring or summer reached about 6,000,000 quarters in port and afloat prices generally yielded and became low, because then the quantity was inconveniently large for millers and bakers, and might deteriorate by storage. By the plan of the noble Lord we must always have 13,000,000 quarters stored, or about double the amount which was now found to break down prices. Traders would never know when the Government might unload, which they must do frequently to prevent deterioration. Consequently prices must fluctuate greatly. As a rule, when Government sold prices would fall, and when it

bought prices of foreign wheat would rise, because the Government must buy in the cheapest market, which would be abroad and not at home. The noble Lord doubtless believed that his scheme would benefit British agriculture, while he contended that it would seriously injure it. He did not know whether the noble Lord was aware of the gigantic Socialism of his plan. A paternal Government could not work economically in competition with individual effort; but it might succeed in deranging that wonderful working of production and distribution which followed the usual course of undisturbed trade. It was far safer to leave our provision trade to those agencies even in the eventuality of war. His estimates of the supplies of wheat and flour available in this country at different periods of the year were very different from those of the noble Lord, who said in the letter that he had already quoted—

"We have only about enough wheat at a time in the whole of England to last the country a fortnight."

The figures which he gave had been placed at his disposal by the Board of Trade, the Board of Agriculture, and the War Office, and they differed immensely from those of the noble Lord. Suppose their Lordships began with September after the harvest. At that time our usual supply was for six and a half months. It was made up as follows:—Home product, less seed, 7,500,000 quarters; foreign supply at our ports, 3,000,000; and 4,000,000, of which two-thirds was always within one week of delivery, afloat on its way to our shores. To that might be added the supply of three-quarters of a month which was estimated to be in the hands of millers and bakers, and that would give upwards of seven months' supply after harvest. But what would be our position in March? Well, in that month it was estimated that 3,300,000 quarters of English wheat were still undelivered. The stock of foreign wheat and flour at the ports was 3,800,000 quarters, and the amount afloat on its way to England was 3,200,000 quarters. Adding these figures together, there would be a supply of four months and three-quarters in advance of consumption, and with the stores of millers and bakers an actual supply of 5,500,000 in advance of the consumption

in March, when the noble Lord had supposed war would begin. He would refer only to one other period, the month of June, which was that of lowest supply. In the first week of that month it was estimated that 1,700,000 quarters of English wheat were still undelivered; 2,600,000 of foreign wheat were in our ports, and 3,900,000 were afloat, making 8,200,000 quarters, or three and three-quarter months in advance of consumption. If to this amount the millers' and bakers' stores were added, there would be in the month of June four and a half months in advance of what was required for consumption. Besides, we should then be within a few weeks of a new harvest. At present only one-eighth of our arable land was under wheat; but with threatened war a much larger proportion would be devoted to it, and having this store in hand what was the use of being in a panic? The only exception that the noble Lord could take to these figures was that they included the supply afloat. But could their Lordships conceive that any combination of Powers could make their preparations so speedily for an effective blockade of England as to prevent our receiving the supplies already actually on the sea. In fact, at the present time nearly two-thirds of these were within a week of England. The probability of an approaching war and attempted blockade must be known to all the world, and there would be a rush to supply us from all the wheat-producing countries. Our total foreign supply was 4,000,000 tons, and this country in an emergency could readily get 1,000,000 tons of shipping to bring supplies from neighbouring countries. This would victual us far beyond the six months' reserve which the noble Lord thought necessary. Although he thought that the noble Lord's scheme of forming a gigantic Government Corn Company was Socialistic in principle and unwise in practice, he admitted that much could be said for it if there were a general consensus of military authorities that this country could not be defended without a public reserve of food. But there was no such consensus, and he was authorised on the part of the War Office to say that they saw no need for legislation in regard to food reserves. He now turned to the Amendment of his noble Friend behind him. He entirely agreed with that

noble Lord that we should rely on the efficiency of our naval strength to protect our commerce at sea. If it was not already sufficient for that purpose it would be far cheaper and better to spend money in that direction than in the proposal contained in the original Resolution. But he was not prepared to admit that our Navy was not efficient. Of course, it was obvious to all that if any hostile Powers ever became so strong as to defeat our first line of defence at sea so as to establish an efficient blockade, it was not starvation that we should have to fear, but serious disaster to our commerce. He had shown that there was no danger as to our supplies of wheat and flour, while there were other large stores of cereals, such as oats, barley, and maize. Oatcake formed a large and nutritious portion of the food supply of Scotland. The barley and maize alone nearly equalled the supply of wheat and flour. There were also abundant supplies of potatoes, an inexhaustible supply of fish, in addition to large quantities of live stock, cattle and pigs, as well as preserved animal food. The starvation of England, by any combination of Continental Powers, was an absolutely chimerical idea. Our insular position and numerous ports would make an efficient blockade almost impossible. The hostile Powers would have to deal with the United States in addition to England. The sympathies as well as the interests of that great country would be on our side; and unless the blockade were very efficient the United States would refuse to recognise it. Food products formed her chief exports, and England was her chief market. It was not our food, but our commerce, that required protection, and if the Amendment related to that only it would be a truism. But Lord Sudeley's Amendment adopted the first part of the noble Earl's Resolution, and thus raised unnecessary alarm as to food supplies. Besides, he ended his Amendment with an old formula, particularly disagreeable to foreign nations, that Britain must always preserve the supremacy of the sea. It was this supposed wish for an arrogant supremacy on the part of England that made France so unwilling to join with us in naval undertakings. It was that jealousy which had prevented France

joining with us in the North Sea liquor traffic legislation, and on various other occasions which their Lordships would remember. Great Britain, at least in modern days, wanted no supremacy of the seas. What she did want, and ought to have, was a sufficiently powerful Navy to protect and defend her great Imperial interests in all parts of the world, without any thoughts of aggression against any other Power, and without constantly drumming and telling other countries that "Britannia rules the waves." He hoped that both Motion and Amendment might be withdrawn, and that the two noble Lords would be satisfied with having raised a useful discussion which might prove instructive to the outside public.

THE EARL OF CRANBROOK: My Lords, I hope the noble Lord opposite will take the advice which has been tendered to him by my noble Friend (Lord Playfair), and will withdraw his Amendment, and then the noble Earl behind me will do the same with his Resolution. I do not wish to go further into the discussion now; but I cannot conceive anything more calculated to destroy the trade of this country than that the Government should itself become a great trader.

***LORD SUDELEY** said, he was willing to withdraw his Amendment.

THE EARL OF WINCHILSEA AND NOTTINGHAM said, he would also consent to withdraw the Motion.

Amendment and Original Motion (by leave of the House) withdrawn.

REFORMATORY SCHOOLS ACTS AMENDMENT BILL.

SECOND READING.

Order of the Day for the Second Reading, read.

***LORD NORTON** said, it was now more than 40 years since legislation on the subject began in 1853, and it was consolidated in the Acts dating from 1866. In 1880 Sir Godfrey Lushington, in a Home Office Memorandum, pressed urgently for a revision of the system of both reformatory and industrial schools, the idea of such schools not being yet clearly recognised. Reformatories were schools for children who had been punished upon conviction for crime, and

had no good homes to go back to from which they would attend national schools. Their crimes were not of the more serious kind, which must be dealt with otherwise. It was essential that parents should not by their neglect throw the whole cost of their children's care and education on their neighbours. At present the public were taxed for reformatories alone to the amount of £140,000 a year, parents being charged only £7,000. In 1884 a Royal Commission, of which he was a Member, and Lord Aberdare Chairman, reported in favour of several improvements of the system, and that they were urgently required. The first recommendation was the partial transference of these schools from the police to the Education Department. This was obviously to the interests of all concerned; but he postponed dealing with that matter till it was better understood. The second recommendation was that punishment of juvenile offenders by imprisonment should not be in common gaols if there were any other means of confining them elsewhere to the satisfaction of the Court committing them; and that boys for ordinary offences should rather receive summary corporal punishment than any imprisonment whatever. This recommendation was supported by almost all the Petty Sessions in the Kingdom to whom the Commission referred. Thirdly, a better enforcement of parents' payments for their children's schooling, after such punishment for crime. Fourthly, that the children should be earlier got out from school to work, not only on licence, but whenever opportunity offered, by apprenticing or enlistment, or emigration, and not be shut out from public service, or free industrial employment; instead of keeping them in the reformatories till the age of 17 or 18, which was an entire mistake both in their own and in the public interest. Bills for consolidating the law on these recommendations had been introduced by the Government for two or three Sessions. Failing these, this Bill dealt with a few of the most pressing Amendments, which might be made without further delay. The 1st clause gave a preference to any other place the Court might approve for imprisonment rather than a common gaol, and preferred whipping to imprisonment for ordinary cases of boys' punishment. The 2nd

clause proposed earlier discharge of the school children, not only let out tied by the leg on licence, but that they should also be sent out whenever fit opportunity offered for industrial apprenticeship and free engagements in service. The 3rd clause adopted the Report that boys should not be sent to ship reformatories without a medical certificate of fitness for sea life. At present 50 per cent. of the boys sent to ship schools never went to sea; they were totally unfit for it, and were brought up as sailors in the places where it was pretended they were being made into sailors. The 4th clause enforced parents contributing to the extent of at least what their children must have cost them at home, so that such parents should not make a profit by neglect. The 5th clause threw this enforcement of payment on the Local Authority. The Commission proposed the Guardians. Either would be better than the present ineffective mode. The 7th clause adopted the Government Bill's resort to the Bastardy Acts for recovering payments. The late Conference at Plymouth debated and unanimously approved this Bill. He might claim for himself some authority, as having introduced legislation on the subject in 1853, and as having founded and supported successful institutions ever since under the Acts. As the Consolidated Bill could not be introduced this Session he thought these amendments in the law, based upon the recommendations of the Committee, should be made without further delay; and he, therefore, asked their Lordships to read the Bill a second time.

LORD LEIGH said, that, having for nearly 40 years taken an active part in the management of reformatories in his own county, he should willingly support the Second Reading of the Bill, because he had always entertained a feeling of strong opposition to the imprisonment of children before they were sent to reformatories. The Bill proposed to give power to the Magistrates to send children direct to reformatories if they thought fit. That was a step in the right direction, but he hoped that the provision would be made compulsory, so that children should not be sent to gaol at all. He thought that two or three days in the lock-up would be quite sufficient before the children were sent to the reformatories. He also objected to the

provision as to the whipping of boys. A large percentage of the boys in certain reformatories he had visited were the sons of worthless parents and had not been brought up to know what was right or wrong, and as he considered it would not be fair or just to punish all boys indiscriminately with whipping he would propose in Committee to amend the Bill by giving the Magistrates a discretion in the matter. Clause 2, in his opinion, was not necessary, because the principle it contained had been acted upon for many years, and he did not know of any single occasion on which the Home Secretary had refused to order the discharge of a boy if he was fit to work. He did not, however, object to the clause, and as the Bill was a step in the direction of doing away with the gaol qualification for the reformatories he should have much pleasure in supporting it.

Moved, "That the Bill be now read 2^a."
—(*The Lord Norton.*)

*LORD MONKSWELL said, that, with reference to Clause 2 of the Bill, the Committee of Management of Feltham School—the largest industrial school in the Kingdom, of which he was Chairman—were unanimously of opinion that the present law was satisfactory. He did not think that the clause as drafted would effect any change of the law at all; but if it did anything in the way of inducing managers to discharge boys from school rather than license them out to employers his Committee was of opinion that it was a retrograde step which ought not to be adopted. It was far better to license a boy out to employment than to discharge him from school, because if he did not do well, or if from any reason the boy left his employer's service, it was better that he should go back to the reformatory school than that he should be thrown entirely upon the world. There was a good deal of force in what the noble Lord said, that the present law was to some extent unsatisfactory as to parents' contributions. It seemed to him that the present law was unsatisfactory, for the reason that it absolutely gave no object at all to managers for wishing to increase the contribution of parents towards the support of children in these schools, because all the money received went into the Treasury and not into the

pockets of the managers. He suggested that it might be desirable for the Treasury or the Home Office to give the managers of schools some inducement to find out those cases in which a parent did not pay as much as he reasonably might pay. Managers might, therefore, be allowed to retain a certain portion of the money obtained through their information which enabled the Treasury to obtain more money from the parents than could be got by simply going before the Magistrates or otherwise. The payment of such a commission would in the long run produce a much larger amount to the Treasury.

LORD VERNON: The noble Lord who has introduced this Bill to the notice of your Lordships' House has, I am credibly informed, always shown a predilection for flogging as a means of correction for youthful offenders; and the pith of this Bill, which I am instructed to oppose, is to substitute whipping for the 10 days' imprisonment which a boy is now forced to undergo before being qualified for a reformatory school. In theory a large proportion of the outside public, and I should imagine of your Lordships' House, would prefer to see a moderate dose of the birch substituted for other punishments; but in practice it has been found very difficult to insure this instrument of correction being used with discretion and judgment. It is only a week ago that an inquiry was held at Coventry in consequence of a girl of 16 running away from an industrial school and complaining that she had been several times flogged, and on the last occasion, for eating and giving to others bread and treacle, she had been publicly whipped with three other girls before the whole school. As your Lordships are aware, several classes of the children at industrial schools not only have never been convicted, but are entirely free from criminal taint, and it would be monstrous to allow managers of industrial schools to use the birch at discretion if its use is prohibited at the ordinary schools in the country. I am aware that the noble Lord has confined his Bill to reformatory schools, but the similarity between the two institutions is very close. They both have the leading characteristics that they are places of training under voluntary management, but largely subsidised by Government and subject to Govern-

ment rules and Government inspection, in which the inmates are legally detained by order of a Court of Justice, against the will both of themselves and their parents, and from which they cannot, before the effluxion of the prescribed term, be displaced without the order of the Secretary of State. The two institutions have in the main the same class of children, and have gradually become more assimilated to each other. At the present time much depends on the discretion of the Justices to which of the two a child is sent; for in many cases they may either convict and send to a reformatory, or, without convicting, send to an industrial school. Many of the children now in reformatories might, as will be seen, be with equal or even greater propriety inmates of industrial schools and *vice versâ*. Though at a reformatory the discipline is necessarily somewhat more stringent, still there they are considered to have been punished by imprisonment before their admission, and no less than at an industrial school the object really is not to treat the inmates as criminals or criminally disposed, or to make the school a place of punishment, but, on the contrary, to treat them kindly, make them happy, and encourage their self-respect in order that they may grow up into respectable men or women. It may interest your Lordships to know that in the last Return to which I have access (a Return up to December 31, 1891) there were 4,701 children in reformatory schools, and the total school expenditure was £117,836. In industrial schools there were 18,985, and the expenditure was £371,338. The Home Secretary has no objection to a Bill which will assimilate the law in England with that now existing in Scotland under the Act which passed your Lordships' House this Session. The existing law in England provides that a child must be imprisoned for 10 days before being sent to a reformatory school. In the Scottish Act imprisonment may be dispensed with, or detention may be in a place not a prison. In the present law a child may be dealt with at any age if only under 16, but not under 10 unless previously convicted. The Scottish Act has substituted 12 for 10. Now, in England a child must be detained for two years and not more than five. Three

years is substituted for two in the new Act; and whereas in England a child, if sent just before attaining 16, can be detained till all but 21 years of age, it will not in Scotland be kept in such a school after 19. The only change the noble Lord proposes in Clause 1 is the power to substitute flogging for 10 days' detention, and this the Home Office cannot approve. Clause 2 could not possibly be agreed to by the Government. By the present law, managers, after a child has been detained 18 months, may grant a licence, and, in case of misbehaviour, such licence may be revoked and the child brought back to school. After being out on licence the managers may apprentice the child, and the Secretary of State may at any time discharge him. This Bill provides—

"Whenever managers may report, through one of Her Majesty's Inspectors, that a child is fit to leave school and that proper employment is found for him, the Secretary of State shall authorise his removal from school."

This puts the Secretary of State in a wrong position, as it should be optional to him to authorise or not, as he thinks fit. Further on, the clause says—

"After such report child shall not be detained in school."

This would seem to take away from managers power to revoke licences in cases of misconduct, and this places them in a false position. I cannot think this is the intention of the noble Lord. Clause 3 is unnecessary and objectionable. The authorities naturally put the children to work at employments which they think suitable, and no man who would deliberately set a child to work at employment which he is not able to do is fit to be in the position of manager. Clauses 4 and 5 are objectionable. In the 25th clause of the Act of 1866 the Magistrate has power to fix the contribution of the parent up to 5s. a week. The complicated calculation in Clauses 4 and 5 would lead to all sorts of difficulties. In Clause 6 the noble Lord proposes entirely changing the mode of raising and dealing with the contributions of parents. It might be better that they should go to the Local Authorities instead of the Treasury, but such a change should be part of a much larger change, part of which would be to make a certain contribution by the Local Authority compulsory. Clause 7 would make an

exception to the Summary Jurisdiction Act of 1879. Under that Act the money due from a parent towards the maintenance of his child in a reformatory is a civil debt, and enforced by the mild procedure prescribed by that Act with reference to civil debts, whereas an order in bastardy is enforced as a conviction on information, and the father not paying is subject at once to distraint and then to imprisonment. But if the powers granted to those suing under an order of bastardy were extended to the authorities who were enforcing the payment of contributions due by the parents on account of children in reformatory schools, such powers would have to be given to all those who were suing for the recovery of civil debts; and the milder procedure now in force for the recovery of such debts would have to be assimilated to that under an order in bastardy. The Government are quite alive to the fact that there are grave errors in the reformatory system as it now exists, and they do not consider the principles contained in the Bill of the noble Lord bad in themselves. It only deals with a part of a very large question which should be dealt with as a whole. Such schools are dark spots not reached by the search-light of public opinion. The children in them have no home to go to, and no parents who can complain if abuses exist. It is only accidental if such a case as that at Coventry becomes public by a grown girl running away and complaining to the police. No doubt it would be advisable if these institutions were under the supervision of Local Authorities; but one great difficulty in this direction lies in the fact, that they are used not only by those who live in the district in which they are situated, but also because they are subsidised by the Treasury, that pays more than half the sum actually spent each year in maintaining them! These are only a few of the difficulties connected with the question, and till a radical change is made in the law it would be difficult to meet the views of the noble Lord. I am, however, directed to say that if he should introduce a Bill in character similar to the Reformatory Schools Amendment Act, lately passed by your Lordships' House for Scotland, it would receive the support of Her Majesty's Government. They cannot support any change in the administra-

tion of the schools unless the whole system is remodelled and placed on a different basis. I trust that the noble Lord will not try and force this Bill forward in your Lordships' House, and if not the Home Office will give him every assistance to place the reformatory and industrial schools of the country on a footing that will satisfy the noble Lord and be a lasting memorial of the great interest he has taken in educational reforms during his lifetime.

VISCOUNT CROSS: My Lords, I hope it will not go forward to the world that the reformatory schools are black spots upon our system.

LORD VERNON: I said "dark spots."

VISCOUNT CROSS: Well, then, dark spots. I hope that will not go forth, because no doubt those schools have done great good. This Bill was considered by the Society of Chairmen of Quarter Sessions, over which I had the honour to preside. We were obliged to take the Bill as it was printed, and no doubt there was considerable objection to many parts of it. The 1st clause, as drawn, is, to my mind, most objectionable, because, although it may be quite right that these boys should not be sent to prison, it is hardly right to say that every boy must be whipped before he is sent to the reformatory school. To that we objected very strongly. I am quite sure that clause would never pass this House, and I am equally certain it would never pass the other House of Parliament. The objection to sending children to prison at all is, of course, quite another matter. I hoped the noble Lord opposite would have stated that the Government will bring in a Bill themselves in order to remedy the existing state of things.

LORD VERNON: There would hardly be time now.

VISCOUNT CROSS: If they admit there is a grievance, it would be much more satisfactory that the Government should bring in a Bill themselves, even though they may not be able to pass it. If I can get that assurance, we should be satisfied with the discussion that has taken place.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of Kimberley): I am afraid that assurance cannot be given. The Bill which passed this House was brought in by a private

Member, and the Government do not feel that they can undertake another this Session. My noble Friend said that if the noble Lord will bring in a Bill similar to the Scotch Bill it would receive the support of the Government.

THE LORD CHANCELLOR (Lord Herschell): I should like to give the noble Viscount the reason why it would be better the Bill should not be brought in by the Government but by a private Member. I have experienced lately that a Bill perfectly non-contentious which met with universal assent in this House from noble Lords on both sides on the ground that it was urgently required to prevent injustice, when it went down to the other House, though nobody there objected to it in the slightest degree, was prevented from passing simply because it had been introduced by Her Majesty's Government. I think that will be a sufficient reason why those who desire this legislation should not adopt the course suggested.

*LORD NORTON said, if he had understood that the Government had intended to oppose the Bill, he should have asked his friends to attend to support it. The Members of the Government who were now the only occupants remaining of their Lordships' Benches would no doubt throw out the Bill, and he must leave entirely upon them the responsibility of hanging up the subject. This was the only proposition which had been brought forward, and now the fate of the matter must be what it had been for three years past—promises without any performance whatever, and the abuses still remaining the removal of which the Government Department was urgently pressing in 1880. The point most objected to was the introduction of the word "shall" in the 1st clause with reference to whipping, and the substitution of "may" would dispose of that objection. With that exception, the 1st clause was agreed to by everybody. The other objections hardly required an answer. The mode of recovering payment under the Bastardy Act was one of the recommendations of the Royal Commission; and with regard to letting boys out to work without keeping them tied by the leg to the reformatory school, that proposal had the entire support of Her Majesty's Inspectors. He left with the

Government the entire responsibility of hanging up a subject, which they themselves allowed to be urgent, *sine die*. He would challenge a Division, but asked the noble and learned Lord whether a sufficient number of Members were present in the House?

THE EARL OF KIMBERLEY: If there is not a quorum present the Bill cannot be further proceeded with to-night.

On Question, resolved in the negative.

PRISON (OFFICERS' SUPERANNUATION) (No. 2) BILL.

Read 1^a; to be printed; and to be read 2^a on Thursday next.—(The Lord Chancellor.) (No. 152.)

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 16) BILL. (No. 153.)

Read 1^a; to be printed; and referred to the Examiners.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 14) BILL.—(No. 154.)

Read 1^a; to be printed; and referred to the Examiners.

SALMON FISHERY PROVISIONAL ORDER BILL.—(No. 155.)

Read 1^a; to be printed; and referred to the Examiners.

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 4) BILL.—(No. 124.)

Read 3^a (according to Order): Amendments made: Bill passed, and returned to the Commons.

GAS ORDERS CONFIRMATION (BROM-YARD, &c.) BILL. [H.L.].—(No. 85.)

House in Committee (according to Order): Amendments made; Standing Committee negatived; The Report of Amendments to be received To-morrow.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 10) BILL.—(No. 140.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 11) BILL.—(No. 141.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 3) BILL. (No. 113.)

Read 2^a (according to Order), and committed to a Committee of the Whole House To-morrow.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 4) BILL. (No. 126.)

Read 3^a (according to Order), and committed: The Committee to be proposed by the Committee of Selection.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 2) BILL.—(No. 61.)

Amendments reported (according to Order), and Bill to be read 3^a To-morrow.

HOUSING OF THE WORKING CLASSES (EDINBURGH) PROVISIONAL ORDER BILL.—(No. 125.)

Read 3^a (according to Order), and passed.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 5) BILL. (No. 127.)

Read 3^a (according to Order), and passed.

WATER PROVISIONAL ORDERS (No. 1) BILL.—(No. 136.)

House in Committee (according to Order): Amendments made: Standing Committee negatived: The Report of Amendments to be received To-morrow.

DUCHY OF CORNWALL BILL.—(No. 145.)

House in Committee (according to Order): Bill reported without amendment; and re-committed to the Standing Committee.

LAND TAX COMMISSIONERS' NAMES BILL.—(No. 183.)

House in Committee (according to Order): Bill reported without amendment: Standing Committee negatived; and Bill to be read 3^a To-morrow.

House adjourned at a quarter past Seven o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

*Monday, 19th June 1893.***PROVISIONAL ORDER BILL.**LOCAL GOVERNMENT PROVISIONAL
ORDER (POOR LAW) BILL.—(No. 256.)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed,
“That the Bill be now read the third time.”

*MR. J. STUART (Shoreditch, Hoxton) said, before the Bill left the House he wished to make one or two remarks. It dealt with the matter of the rectification of the boundaries of the present municipal area of London; and whilst it dealt with that there were a number of other matters which, no doubt, the Local Government Board had taken into consideration, such as the adjustment of debt and others which were consequent upon that arrangement, which they trusted would be attended to. Whilst the principle of rectification was one they could not oppose there were other and more important rectifications they felt ought to be undertaken in conjunction with the present.

Motion agreed to.

Bill read the third time, and passed.

QUESTIONS.

PRICE OF BREAD IN PARIS.

COLONEL HOWARD VINCENT (Sheffield, Central): I beg to ask the Under Secretary of State for Foreign Affairs why, in the Return [C. 6967] just presented showing the price per pound avoirdupois of articles of domestic consumption in the principal cities of Europe, no statement appears as to London, and the price of only the best quality of white household bread in Paris is quoted, while the price of second and third quality is left blank; if he is aware that the official price of the best bread in Paris was 6·8d. for 4 lbs. 6 oz. in the latter half of August, 1892, and 6·5d. in March, 1893, whereas second

quality was 6·3d. for the two kilos, and 4·8d. for third quality instead of 2d. to 2½d. × 4½d. for a quarter loaf, as quoted the Return; and to what cause this discrepancy is due?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir E. GREY, Northumberland, Berwick): The Return was intended to deal with white household bread of medium quality in some foreign cities; but the Return sent from Florence gave three qualities, and, in order to allow room for inserting the three figures from Florence, blank spaces had to be left in the Returns from other places. A reference to the Parliamentary Paper Commercial No. 1, 1888, shows that the price of bread varies widely from one quarter of Paris to another, and that the official price is not binding on the bakers and is often lower than the price at which the bakers sell; this may account for the discrepancy.

COLCHESTER CAMP.

CAPTAIN NAYLOR - LEYLAND (Colchester): I beg to ask the Secretary of State for War what is the amount of the extra pay being now given to the soldiers who are employed in pulling down the huts in the camp at Colchester; is he aware that at the present moment there is a great scarceness of work in that town; and will he state the difference in cost in this instance between civilian and soldier labour?

*THE SECRETARY OF STATE FOR WAR (Mr. CAMPBELL - BANNERMAN, Stirling, &c.): The extra pay given to soldiers employed in pulling down the huts in Colchester is at the rate of 1d. to 1½d. per hour. It is work well adapted to military labour, and the additional cost of effecting it by civilian labour would be from £3 to £3 10s. per hut demolished. I have no information as to the scarcity of work in the town.

OUTRAGES AT CACHAR.

MR. SPICER (Monmouth, &c.): I beg to ask the Under Secretary of State for India whether he will take the necessary steps to insure better police supervision in the Cachar District of Assam, where, since our interference in the affairs of Manipur, a number of dacoits having left Manipur have settled down in Cachar, some of whom, on 16th

April, murdered the European manager of the Baladhun Tea Garden, and, since 16th April, have robbed an escort taking remittances from the neighbouring town of Silchar to the Kalinecherra Tea Garden, and whose presence in the district, coupled with the inactivity of the present District Superintendent of Police, has created a great want of confidence, which is likely to have disastrous results?

*THE UNDER SECRETARY OF STATE FOR INDIA (Mr. G. RUSSELL, North Beds.): The Secretary of State has no official information as to the matter to which my hon. Friend refers; but he has learned from the newspapers that there have been outrages in Cachar; that arrests have been made in connection with the murder mentioned in my hon. Friend's question; and that the party who are supposed to have committed the outrage are being tracked by the authorities. As at present advised, the Secretary of State has no information before him which leads him to think that the police force in Cachar is inadequate, or that there has been any neglect of duty on the part of its officers.

THE THAMES CONSERVANCY BOARD.

MR. H. L. W. LAWSON (Gloucester, Cirencester): I beg to ask the President of the Board of Trade whether he is aware that the clauses in the London County Council (General Powers) Bill, giving to that body a certain number of representatives on the Thames Conservancy Board, have been struck out by the Select Committee of the House of Lords; and whether he will agree to the appointment of a Select Committee of this House at an early date to inquire into the constitution, powers, and composition of the Board of Conservators, as promised during the last Parliament?

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside): Yes, Sir; I think there ought to be an inquiry by a Select Committee; but it is a matter for consideration whether, at this period of the Session, a Committee could be invited to enter upon such an inquiry. I will confer with my hon. Friend in the matter.

SAMOA.

SIR T. ESMONDE (Kerry, W.): I beg to ask the Under Secretary of State

for the Colonies whether affairs at Samoa have again reached a crisis; and, if so, what is the nature of the crisis; whether American and German war ships have been ordered to proceed to Apia; and if he will state how many American, German, and British war vessels are there at present?

*SIR E. GREY: The latest telegraphic Reports from Her Majesty's Consul at Apia do not indicate the existence of a crisis. We hear that there is one German war ship at Apia; but there are not, so far as we are aware, any other foreign men-of-war in Samoan waters.

EXPRESS LETTER DELIVERIES.

MR. HENNIKER HEATON (Carterbury): I beg to ask the Postmaster General whether express letters, both those of inland origin and those coming from England (and posted on Saturday night here) are delivered on Sunday in Paris, and over a great part of France; whether telegrams are delivered on Sunday by the British Post Office; and whether, as telegraphic transmission is unsuited to certain classes of urgent communications, such as prescriptions, and to parcels, he will take measures for instituting an express service for all postal packets on Sunday in this country, or at least for those letters arriving from abroad?

THE POSTMASTER GENERAL (Mr. A. MORLEY, Nottingham, E.): As I informed the hon. Member by letter (5th ultimo), express letters are understood to be delivered in Paris and in France generally on Sunday up to 6 p.m. In this country express letters are delivered in the Provinces on Sunday only during the hours in which post offices are open for telegraph business, and in London there is no express delivery at all. It is not proposed to make any extension of the service in this respect, there being no evidence of any desire on the part of the public for such an addition to the Sunday work of the Post Office. The delivery of telegrams during certain hours is believed to be sufficient to meet the present requirements of the public.

WORKMEN'S CO-OPERATIVE SOCIETIES.

MR. BAIRD (Glasgow, Central): I beg to ask the President of the Board of Trade whether he has received a com-

plaint of the publication in *The Labour Gazette* of the prices charged and dividends paid by certain workmen's Co-operative Societies from private traders who, as taxpayers, consider themselves aggrieved by the action of the Government in fostering a particular system of trading; and whether, inasmuch as all reference is omitted to the quality of articles sold in comparison to those sold by private traders at the same places, the free and alleged misleading advertisement, in *The Labour Gazette*, of Co-operative Societies will be continued?

MR. MUNDELLA: A complaint has just been received to the effect stated from the Traders' Defence Association of Scotland, who also complain of *The Labour Gazette* dealing with the subject of co-operation at all. No other complaints have been received. The object of the information given as to the prices which working people actually pay on the average for certain articles of consumption is of a purely statistical character, on the principle of *The Gazette* average prices of British corn, which include every variety of quality. The method has been fully explained in *The Labour Gazette* itself, to which the hon. Member may be referred. It is necessary for statistical purposes to obtain the actual quantities sold, and these have as yet only been obtained through the Co-operative Societies. The omission of all reference to quality prevents the statistics having the effect of an advertisement.

REGISTRATION OF COLONIAL NEWS-PAPERS.

MR. HOGAN (Tipperary, Mid): I beg to ask the Postmaster General whether he is aware that newspapers printed in the British Colonies, but sold and published in Great Britain, are at present placed in the same category as foreign newspapers by the Imperial Postal Authorities; and whether, having regard to the inconsiderable loss of revenue that the reform would entail, he is prepared to act on the suggestion that Colonial newspapers having London publishing offices should be registered for circulation within the United Kingdom?

MR. A. MORLEY: The Post Office Act of 1870 provides that only newspapers which are both printed and published in the United Kingdom can claim

the advantage of the halfpenny rate of postage. It is not in my power, therefore, to accept for registration newspapers printed in the British Colonies, even although they may have a publishing office in this country.

PRESS TELEGRAMS.

SIR E. REED (Cardiff): I beg to ask the Postmaster General whether, in view of the pressure upon Post Office Funds, alluded to in the Budget Speech of the Chancellor of the Exchequer, he can state the annual cost to the country of Press telegrams in excess of the receipts for the same; and as a particular case, if he can state the total expenditure incurred, and the receipts obtained, on the occasion of Lord Salisbury's recent visit to Ulster?

MR. A. MORLEY: The number of Press telegrams in the year ended the 31st of March last was 5,590,160, and the receipts from them amounted to £120,299; but, as they were dealt with in the same offices, under the same supervision, and to a large extent on the same wires as ordinary telegrams, I regret that it is impossible to state their cost separately, although I am convinced that it resulted in a very large net loss. The telegrams having been destroyed, I cannot even state what would have been received for them if they had been paid for at the same rate as ordinary messages; but I am considering whether, in regard to the future, it would be possible to obtain this information without undue expense. Meanwhile, I may point out that, whilst the average receipt for an ordinary inland telegram is about 7½d., that for a Press telegram is only a little more than 5d., although the latter is many times as long as the former, and, therefore, more expensive to deal with. The receipts for Press telegrams sent in connection with Lord Salisbury's recent visit to Ulster were £243, and the special expense incurred at Belfast and Londonderry was £126; but, for the reasons I have given, it is impossible to state what was the cost of dealing with the telegrams at the various towns throughout the Kingdom to which they were sent, and I cannot, therefore, say what was the loss sustained by the Department.

***SIR E. REED:** Will the Postmaster General be kind enough to state if the figures just given include the cost of

Mr. Baird

the special officers on the occasion of Lord Salisbury's visit to Ulster, and the extra cost incurred in the London Department?

MR. A. MORLEY : The sum I have named includes all the extra cost incurred.

SIR J. LENG (Dundee) : May I ask the right hon. Gentleman whether the charges made to the Press were not very carefully considered before the arrangement was made transferring the telegraph system to the Post Office; and was not the tariff thus agreed upon, practically, a contract between the Government and the newspaper Press as a condition precedent to the arrangement for the transfer?

MR. PICTON (Leicester) : Can the right hon. Gentleman say, in regard to the second paragraph of the question on the Paper, what would have been the absolute receipts for these telegrams if the charges had been on the ordinary scale?

MR. A. MORLEY : I have answered that the telegrams have been destroyed, and it is, therefore, impossible to say what the receipts would have been. I am, however, going to take steps to see if in the future some such information may be obtained. As to the question of the hon. Member for Dundee, I do not know that there was any such contract between the Post Office and the Press; I can only say I am quite certain that the Postal Authorities had no idea that the result of the arrangement would have been so heavy a loss.

SIR J. FERGUSON (Manchester, N.E.) : Is it not the case that since the telegraphs were taken over the number of Press messages has enormously increased, so that the small loss at that time incurred has been many times multiplied?

MR. A. MORLEY : That is so.

MR. W. SAUNDERS (Newington, Walworth) : Is the right hon. Gentleman aware that in Switzerland, where the charge is $\frac{1}{4}$ d. per word, a profit is made, whereas with a charge of $\frac{1}{4}$ d. a word in this country there is a loss?

MR. A. MORLEY : That is so, but then the charges in this country for Press messages are much less than $\frac{1}{4}$ d. per word.

CUSTOM HOUSE EMPLOYÉS.

MR. S. MONTAGU (Tower Hamlets, Whitechapel) : I beg to ask the Chancellor of the Exchequer whether he has considered the case of the outdoor extra men employed at the Custom House; and whether he can give a reply to the Memorial sent to him in February last?

THE CHANCELLOR OF THE EX-CHEQUER (Sir W. HARCOURT, Derby) : The Memorial has been very carefully considered, and a decision arrived at. A letter, sanctioning certain improvements in the position of these extra men, is about to be sent to the Commissioners of Customs.

THE WATCH TRADE AND THE MERCHANDISE MARKS ACT.

COLONEL HOWARD VINCENT : I beg to ask the President of the Board of Trade if, having regard to the opinion expressed by him before a deputation he was so good as to receive on the 6th ultimo from the workers in most of the productive trades of the country, that to mark foreign watch works faintly as foreign, in letters illegible to ordinary eyesight, and surrounded by a bold English warranty, is a fraudulent evasion of the spirit of "The Merchandise Marks Act, 1887," and equally so the marking of foreign printed books and drawings as foreign in fugitive inks, or subsequently hiding such mark, he will cause the opinion of the Law Officers of the Crown to be taken on the case recently submitted with evidence to the Board of Trade on behalf of the Coventry Watch Trade Association; and should the present law not be strong enough to protect the public desirous of encouraging home labour from such fraud, will he at once introduce and press forward a short auxiliary measure, with a view to the more effectual prevention of false marking, and the safeguarding of British industrial interests in a time of such depression among the masses of the people?

MR. NEWDIGATE (Warwickshire, Nuneaton) : I beg at the same time to ask the right hon. Gentleman if, having regard to the opinion expressed by him before a deputation he was so good as to receive on the 6th May, that to mark foreign watch works as foreign in nearly illegible letters, and surrounded by a bold English warranty, is an evasion of

"The Merchandise Marks Act, 1887," he will cause the opinion of the Law Officers of the Crown to be taken on the case recently submitted with evidence to the Board of Trade on behalf of the Coventry Watch Trade Association; and should the law on this subject not prove strong enough to protect the public desirous of encouraging home labour, whether he will at once introduce and press forward a measure to amend "The Merchandise Marks Act, 1887"?

MR. MUNDELLA: I am advised that there is no point in the case recently submitted by the Coventry Watch Trade Association upon which the opinion of the Law Officers could usefully be taken, inasmuch as the watch does bear a description of the country where it was made in words which cannot be said to be illegible. In administering the powers of a penal Statute cases must always arise which may be evasions of the Act, but are not susceptible of successful prosecution. The Merchandise Marks Act is strong enough to insure the successful prosecution of those who break the letter of the law; but no amendment which could be devised would, with certainty, lead to the conviction of persons who are guilty of what the hon. Gentleman describes as a "fraudulent evasion of its spirit."

COLONEL HOWARD VINCENT: Is not the object of the law to have foreign goods plainly marked, so that the ordinary purchaser may be able to see they are of foreign origin? I have one of the watches here, and my hon. Friends around me agree in thinking that it is English made.

MR. MUNDELLA: I have told the hon. and gallant Member that my Legal Advisers say that the watch is not fraudulently marked, and that the words are legible. The hon. Gentleman knows they could not be stamped on the case, seeing that the case is English made.

COLONEL HOWARD VINCENT: I will hand the watch to the right hon. Gentleman.

VISITORS TO KENSINGTON INFIRMARY.

SIR F. DIXON-HARTLAND (Middlesex, Uxbridge): I beg to ask the President of the Local Government Board if he will explain why it is that the chief medical officer at Kensington Infirmary has not the same power vested in

him as the master of the workhouse of granting occasional special visits to patients at other than visiting times; whether he is aware that unless (or until) they are placed on the danger list inmates can be visited (as alleged by the doctor) only on Sundays from 2 till 4; and whether, if such rules are general, he will consider the desirability of altering them?

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. H. H. FOWLER, Wolverhampton, E.): I have been in communication with the Guardians of the Parish of Kensington, and I infer from their reply that the question has been suggested in connection with the circumstances of a particular case. The Guardians state that, in the case referred to, special permission had been given for visits to an inmate, but for reasons which the Guardians considered sufficient this privilege was withdrawn, and it was intimated that the Guardians saw no reason for departing in that case from the rules which they found it necessary to lay down for the maintenance of discipline and the proper administration of the Institution under their control. With regard to the ordinary rules as to visiting, I am informed that the inmates of the Infirmary may be visited every Sunday between 2 and 4 p.m., that the Medical Officer of the Infirmary has full discretion in any case in which he deems it expedient to allow visits to inmates, and that a patient who is dangerously ill may practically be visited at any time.

*SIR F. DIXON-HARTLAND: Is the right hon. Gentleman aware that a letter came from the authorities at the workhouse infirmary, saying it was an absolute rule that no visitors should be allowed, except in cases of great danger, on other than the days usually set apart?

MR. H. H. FOWLER: I am not aware what letter the hon. Member received. I can only tell him what the rules are, and point out that the medical officer has ample powers when patients are dangerously ill.

SIR F. DIXON-HARTLAND: Perhaps the right hon. Gentleman will look into the matter; I will send him the letter I received.

MR. H. H. FOWLER: Certainly.

BALLACHULISH PIER.

MR. MACFARLANE (Argyll): I beg to ask the President of the Board of

Trade if he is aware that a fence has been erected at Ballachulish Pier for the purposes of excluding the coaches of all but one coach owner ; whether the terms upon which the erection of the pier upon the foreshore was granted justifies a proceeding which reduces the general accommodation of the public ; if he will order the removal of the fence in question ; and whether a charge of 3d. upon every passenger landing on the Ballachulish Pier is legal ?

MR. MUNDELLA : I am in communication with the parties who erected the pier ; but my present information does not enable me to answer the question further than to state that no statutory authority has been granted.

MAN-TRAPS ON CROWN LANDS.

CAPTAIN SINCLAIR (Dumbartonshire) : I beg to ask the Secretary to the Treasury by what authority, if any, the following notice is affixed to a tree upon Crown lands adjoining the railway station at Oxshott : " Beware ! Man-traps and spikes set in these grounds. Stray dogs shot " ; whether, in fact, man-traps or other dangerous engines have been set in this wood, contrary to the provisions of 24 & 25 Vict., c. 100 ; whether the Department of Woods and Forests is aware that, if so, it would be a serious offence ; and whether persons in occupation of Crown lands will be prohibited from exhibiting like notices in future ?

THE SECRETARY TO THE TREASURY (Sir J. T. HIBBERT, Oldham) : The notice board referred to appears to have been affixed to a tree some years ago by a then lessee of the shooting over the woods without any consent from the Woods and Forests. The Commissioners of Woods have had the board removed, though I need hardly say that, in fact, there were no man-traps or dangerous engines set in the woods. The notice was, no doubt, only set up with a view of preventing trespass, to which the woods are much subject.

THE CYPRUS TRIBUTE.

MR. STANLEY LEIGHTON (Shropshire, Oswestry) : I beg to ask the Under Secretary of State for the Colonies whether he can inform the House of the text of the arrangement made with France in 1882 for the payment, out of the so-called Cyprus Tribute, of the interest on the Turkish

Loan (1855) guaranteed by England and France ?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Mr. S. BUXTON, Tower Hamlets, Poplar) : No formal arrangement in the nature of an agreement has been made with France ; but an intimation was given to the French Government in 1882 that the surplus revenue of Cyprus would be applied for the present to meet the interest of the Turkish Loan.

THE ANGORA TRIALS.

MR. F. S. STEVENSON (Suffolk, Eye) : I beg to ask the Under Secretary of State for Foreign Affairs whether he is able to communicate any information with regard to the progress and result of the Angora trials ? At the same time I will ask the right hon. Gentleman whether he is able to confirm the statement that 17 of the prisoners have been sentenced to death ? Will the Foreign Office use every effort to obtain from the Sultan a remission of the sentences ?

MR. GIBSON BOWLES (Lynn Regis) : May I ask the right hon. Gentleman if the Government think it is their business to intervene between foreign Governments and their subjects ?

***SIR E. GREY** : There is a well-established practice in these matters depending upon an International Treaty. Telegraphic information has been received that the Court at Angora has condemned Thoumaïan, Kayagan, and 13 others to death, has acquitted 11, and sentenced the remainder to terms of imprisonment of from two to 15 years. These sentences are, we understand, subject to review by the Court of Cassation. Her Majesty's Chargé d'Affaires will use every effort to secure that these sentences shall not be carried out pending a full consideration of all the circumstances. Her Majesty's Government must await a Report from the Vice Consul as to the conduct of the trial and the evidence produced before determining what further representations should be made to the Porte.

An hon. MEMBER : What is the interval of time allowed to elapse between condemnation and execution in cases of this kind ? Can we have an assurance that these sentences will not be carried out until Her Majesty's Government have had an opportunity of considering the facts ?

SIR E. GREY : I believe that there is usually a considerable interval of time. The sentences are subject to review by the Court of Appeal. Her Majesty's *Chargé d'Affaires* will use every effort to see that they are not carried out until an opportunity has been afforded of considering the facts.

SCHOOL CENSUSES.

MR. TALBOT (Oxford University) : I beg to ask the Vice President of the Committee of Council on Education whether, under Article 85 of the Code, the Department have the right to call upon Managers of schools to furnish a census at their own cost; and, if so, what powers the Managers have of obtaining such census?

THE VICE PRESIDENT OF THE COUNCIL (MR. ACLAND, York, W.R., Rotherham) : Under Article 87 of the Code Managers are bound to supply all Returns called for by the Department. Grants under Articles 104 and 105 can only be made where the population is below a certain number; it is, therefore, the duty of the Department not to pay these grants without sufficient evidence that this is the case, especially since the Public Accounts Committee has called their attention to cases where grants had been paid on figures which had been incorrectly given, and had not been sufficiently verified. Managers have no statutory powers in this matter. But the word "census" only means an enumeration of the people living within a certain very thinly-populated area; no difficulty has, so far as I am aware, ever been found by Managers in complying with the demand for a census of this kind; and if they know their district well, there cannot be any expenses involved.

FREE EDUCATION.

MR. TALBOT : I beg to ask the Vice President of the Committee of Council on Education whether he will make it clear, in the Circulars issued by the Department, that parents have not a right of demanding free education for their children at every school, but only at some school within convenient distance of their homes?

MR. ACLAND : There is nothing in the Memorandum issued by the Department which implies that parents have a right to free education at every school. On the contrary, the following words are used :—

"In districts where there is no School Board, if the free places required are not provided by voluntary schools, a School Board is formed and directed to provide them."

The following words are also used :—

"The free education to which parents have a right . . . must be at a school within a reasonable distance of the child's home,"

thus clearly showing that there are schools which need not provide free places unless they choose.

MR. SNAPE (Lancashire, S.E., Heywood) : Will the right hon. Gentleman take steps to secure that parents who demand free education for their children shall have the same right of choice of schools as that now enjoyed by parents of fee-paying children?

MR. ACLAND : The Department is anxious that they shall have the same right, and will do its best to secure that in all cases brought before it.

ENGLAND, FRANCE, AND CYPRUS.

COLONEL BRIDGEMAN (Bolton) : I beg to ask the Chancellor of the Exchequer whether, after the failure of Turkey to pay the interest on the loan guaranteed in 1855 by England and France, the obligation to provide the interest fell equally upon the two guaranteeing Powers; whether, since 1882, a sum raised by taxation in Cyprus, under the designation of "the Turkish Tribute" (supplemented occasionally by a grant in aid from the British Treasury) has been used to meet the joint obligations of England and France, and to create a Sinking Fund; what is the sum total of the payments since 1882 to the present time which, but for such application of the tribute, would have been paid by France; what is the total amount of the "grants in aid" which have been paid out of the British Exchequer to Cyprus; and what is the present amount of the Sinking Fund?

MR. PIERPOINT (Warrington) : At the same time I will ask the right hon. Gentleman whether the French Government has been negotiated with as to its consent that the Cyprus Tribute should be commuted; and, if so, whether the French Government has refused to consent; what is the cost of Cyprus to England, taking into account the fact that a large part of the guarantee of England as to the Turkish Loan of 1855 is paid to the bondholders out of taxes imposed on the people of Cyprus; whether the Customs Duties of Smyrna

and Syria are paid in part satisfaction of the said loan; and whether the Council of Cyprus has on several occasions protested against their taxes being used to pay obligations incurred by England and France in 1855?

*SIR W. HARCOURT: The answer to the first and second questions of the hon. and gallant Member is, Yes. As regards the third, of course the sum total is the total of the moneys due upon the loan of 1855, to be equally divided between England and France. The total amount of the grants in aid is £465,000, and the present amount of the Sinking Fund is £88,000. In regard to the question of the hon. Member for Warrington, the answer to the first and third inquiries is, No. The answer to the second cannot be stated except at great length, but the hon. Member will find the information in successive Financial Statements with reference to Cyprus which are before the House. With regard to the last question, it is a matter of indifference to the people of Cyprus, so long as the tribute has to be paid, whether it is paid to the original claimant or whether it is stopped on its way by the creditors of Turkey—England and France.

COLONEL BRIDGEMAN: May I ask whether there is any prospect of the Turkish Tribute being capitalised?

SIR W. HARCOURT: That is a very large question. I am not prepared to answer it. Who is going to find the capital?

MR. PIERPOINT: Does the Chancellor of the Exchequer's affirmative answer extend to my question whether France has refused to consent to commutation?

SIR W. HARCOURT: No, I am not aware that there have been any negotiations as to the commutation of the tribute. If there have been I will inform the hon. Member of them.

MR. STANLEY LEIGHTON: Is not England, and not Cyprus, liable for the due payment of the Turkish Tribute?

SIR W. HARCOURT: England undertook, as the price of getting Cyprus, to pay this sum from the income of Cyprus to Turkey. Turkey made default in a loan for which England and France guaranteed; and, therefore, instead of paying the amount direct to Turkey, it has been stopped in transitu, and is devoted to paying the debt which Turkey

owes. It is a matter of indifference to the people of Cyprus whether the money goes to Turkey or to Turkey's creditors.

MR. STANLEY LEIGHTON: My question is whether the people of Cyprus ever agreed to pay?

SIR W. HARCOURT: I do not believe the people of Cyprus had anything to say to the matter.

EVENING CODE SCHOOLS IN SCOTLAND.

CAPTAIN SINCLAIR: I beg to ask the Secretary for Scotland whether, pending the consideration, by the Scotch Education Department, of an Evening School Code for Scotland, he will take steps to secure for evening schools in Scotland, during next winter, the benefit of the change referred to in Section II. (a) of the Explanatory Memorandum of the Minute of the 18th May, 1893, which establishes a Code of Regulations for evening schools in England and Wales?

*THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton): I have taken steps to secure for evening schools in Scotland, during next winter, the benefit of the change referred to in the section of the English Evening School Code which the hon. Member cites.

THE IRISH LIGHTS BOARD.

MR. T. M. HEALY (Louth, N.): I beg to ask the President of the Board of Trade whether he is aware that the Belfast Harbour Board, the Belfast Chamber of Commerce, and the Dublin Chamber of Commerce are all opposed to the present constitution of the Irish Lights Board, and claim that it should be in some form representative; whether he is aware that the Associated Chambers of Commerce, at their annual meeting held in England this year, passed a resolution unanimously calling for reform in the constitution of the Irish Lights Board; can he state what are the qualifications of the latest co-opted members of the Board, and how many meetings have they each attended; whether the weekly luncheon, which is served on meeting day to the Commissioners, is charged against the Mercantile Marine Account; whether the members of the Dublin Corporation Commissioners are excluded from the Inspection Committee; and does this Committee take an annual trip around the coast in

the summer time, and receive each £2 2s. a day subsistence allowance, in addition to all travelling expenses at the expense of the public?

MR. MUNDELLA : I have not been made aware of the views of the Belfast Harbour Board, but I have received from the Associated Chambers of Commerce (which includes the Belfast and Dublin Chambers of Commerce) a Memorial asking that mercantile men selected by the Chambers of Commerce and Harbour Commissioners of Dublin, Belfast, Cork, and Londonderry should be added to the Board of Irish Lights. The constitution of the Board is fixed by Statute and can only be altered by Parliament. The Commissioners of Irish Lights report to me that the last four gentlemen who have been elected members of their Board are—

Name.	Qualification.	Date of Election.	No. of Attendances.
Mr. Michael Murphy	Shipowner, Bank and Railway Director ; President of the Chamber of Commerce, Dub.	Nov. 20, 1891.	10
His Grace the Duke of Abercorn, K.G.	—	Feb. 12, 1892.	2
The Lord Ardilaun, P.C.	—	April 1, 1892.	0
Sir Howard Grubb, F.R.S.	—	Jan. 29, 1893.	8

Lord Ardilaun's absence has been occasioned by illness. The Commissioners elect their own Committees ; and the *ex officio* members of the Dublin Corporation are not excluded from the Inspecting Committee ; the High Sheriff was nominated on that Committee in January last. This Committee make an annual inspection of all lights, buoys, and beacons under their charge round the coast of Ireland, the expenses of

Mr. T. M. Healy

which, as well as of the weekly luncheon served on Board days, are charged against the annual sum allowed by the Board of Trade to meet the housekeeping expenses of the Commissioners, which is limited to £400. The members of the Committee receive no personal allowance.

MR. T. M. HEALY : Is it customary in England to allow weekly luncheons at the expense of the public?

MR. MUNDELLA : I do not see how gentlemen who attend the Board meetings that give their services gratuitously can be expected to go without food. The accounts are strictly audited.

MR. T. M. HEALY : Is there any chance of Members of this House, who give their services gratuitously, getting a daily luncheon?

*MR. W. KENNY (Dublin, St. Stephen's Green) : Has any complaint ever been made to the Board of Trade as to the way in which these gentlemen perform their duties, and is there any foundation for the charge brought against them by the hon. and learned Member for Louth some days ago, that they are a corrupt Body?

MR. MUNDELLA : As I have said, a Memorial has been received from the Associated Chambers of Commerce, including the Dublin and Belfast Chambers, but there certainly is no ground for the charge that they are a corrupt Body.

*MR. W. KENNY : The right hon. Gentleman has not answered my first question. Has any complaint been made of the way in which they perform their duties?

MR. MUNDELLA : No, Sir.

THE SHIPPING FEDERATION.

MR. LOCKWOOD (York) : I beg to ask the President of the Board of Trade whether he has obtained the opinion of the Law Officers of the Crown as to the legality of the action of the Shipping Federation referred to by the hon. Member for Middlesbrough?

MR. MUNDELLA : Perhaps the House will allow me to answer this question at some length, as it is desirable that the facts of the case, and the position of the Board of Trade in the matter, should be fully before the House. Sections 146 and 147 of the Act of 1854 are the re-enactment, with certain modifications, of sections contained in the Act of 1845, which, as the preamble of those sections shows, were intended to

prevent crimping. In 1889, shortly after the formation of the National Amalgamated Sailors' and Firemen's Union, the Board of Trade were informed that a local Secretary of that Union, although he had no licence from the Board of Trade to supply seamen under Section 146, did supply seamen (being members of the Union) to serve on board British ships. Upon this fact Mr. Wright (now Mr. Justice Wright) advised that the local Secretary was liable to conviction under Sub-section 1 of Section 147. The Board of Trade, although they had no reason to differ from the opinion that a technical offence had been committed, considered that it was contrary to the intention and spirit of the Act to extend provisions intended to prevent crimping to the action of the officials of the Seamen's Union arising out of a trade dispute. About 1890 the Shipping Federation was formed. They established Registry Offices at all the principal ports of the Kingdom where qualified seamen could enter their names for employment. They thus practically undertook to supply crews to shipowners who were members of the Federation. Application was made to the Board of Trade to licence the Federation officials. The Board of Trade, having determined to grant no licence to the Sailors' and Firemen's Union, adhered to that position when applied to by the Shipping Federation, and further withdrew all existing licences with the exception of those granted to training ships. The Sailors' Union, whom, in pursuance of the policy I have previously explained, the Board of Trade declined to prosecute for offences under Section 147, in their turn pressed the Board of Trade to prosecute the officials of the Federation; but the Board adhered to the policy which they deliberately adopted when urged by shipowners to prosecute seamen — namely, of not extending the provisions to prevent crimping to actions which were not in the nature of crimping, but which arose out of a trade dispute. My predecessor, on the 11th November, 1891, stated publicly to a deputation that—

“The provisions of the Act were intended to deal with and to put down crimping; they were not intended to be used on either side by the Board of Trade in favour of employers or against employers—in favour of seamen or against seamen.”

In consequence of a Debate which recently took place in this House I consulted the Law Officers as to whether the action taken by the Shipping Federation comes within the provisions of Section 147 of the Merchant Shipping Act, 1854, and whether, if in strictness such action amounts to a technical breach of the section, the offence thereby committed is of such a criminal or *quasi*-criminal nature that the Board of Trade, as Public Prosecutor, is bound to prosecute the officials of the Federation. I am advised that the first question is of some nicety, but that upon a strict construction of the section the procedure of the Shipping Federation involves an infringement of the provisions of the Act. I am further advised that the Board is not bound to prosecute the officials of the Federation unless satisfied that the public interests require the interference of the Department, and it must be remembered that—

(1) It is open to any parties interested to prosecute. (2) The Preamble of the Act of 1845 clearly shows that the object of the Legislature was to put a stop to the system by which persons having no interest in ships supplied seamen under well-known demoralising circumstances, and was not to prevent *bonâ fide* associations of shipowners, seamen, or others having an interest in the ships, from taking steps by which the services of seamen seeking employment should be made available. I am further advised that the Board, in determining their duty under the later Act, are justified in taking into consideration the origin of the legislation, and need not interfere in cases not thought by the Board to be within the substantial mischief aimed at. The action of the Board of Trade which has corresponded practically with the above opinion is, therefore, perfectly impartial. They do not strain the provisions of the Act against seamen when pressed to do so by shipowners, nor do they strain the provisions of the Act against shipowners when pressed to do so by seamen. It is open to either party to prosecute if they consider the Act to be infringed. The Board of Trade decline to make themselves, in any way, partisans in a trade dispute. At the same time, the Board will continue to act upon the practice which has hitherto prevailed, and in any case brought under their notice in which the spirit and intention as well as the letter of the Act of 1854 are infringed,

they will cause investigation to be made with a view to a prosecution.

MR. BUCKNILL (Surrey, Epsom): Arising out of that answer, may I ask whether the right hon. Gentleman has not within the last few days received from the Shipping Federation a statement the effect of which might alter the opinion of the Law Officers of the Crown, which, I understand, amounts to this—that in the case stated by the right hon. Gentleman they are of opinion that there has been only a technical infringement of the law?

MR. MUNDELLA: I do not know that anything I have received would alter the opinion of the Law Officers of the Crown. Everything has been carefully put to the Law Officers, including the Rules of the Shipping Federation and their own statement as to the way in which they work those Rules. It is quite true they came to the conclusion that what was done amounted only to a technical infringement of the Act; but there is great danger that they may go beyond mere technical infringements, and in that case it would be my duty, whichever side committed the offence, to prosecute.

THE DUKE OF WESTMINSTER AND THE MIDDLESEX MAGISTRACY.

MR. LOUGH (Islington, W.): I beg to ask the Secretary of State for the Home Department whether the Lord Chancellor is prepared to appoint in the County of London fit persons as Magistrates with, or without, the consent of the Lord Lieutenant of the County of London? I am also authorised by the hon. Member for the St. George's Division of Tower Hamlets to ask the right hon. Gentleman whether all the Magistrates (unpaid) for the County of London (outside the City) have since the appointment of the Duke of Westminster as Lord Lieutenant been his nominees or nominated by him; if not, if he can state what Magistrates (other than the City Magistrates) have been otherwise appointed?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): The Lord Chancellor is prepared to appoint fit persons as Magistrates for the County of London; but I understand that he has not experienced any difficulty in making these appointments in concert with the Lord

Lieutenant. Under these circumstances, I do not think it is necessary to contemplate a difficulty which, in all probability, will not arise. In reply to the question of the hon. Member for the St. George's Division, I have to say the Magistrates have all been appointed upon the recommendation of the Lord Lieutenant. The Duke of Westminster has acted cordially with the Lord Chancellor in making, in consultation with him, suitable additions to the London Bench.

FISHING IN THE THAMES.

MR. LOUGH: I beg to ask the Secretary to the Treasury whether the Commissioners of Woods and Forests, during the period of Office of the late Government, disposed of a certain right of fishing in the River Thames and part of the river, or an island in the river, belonging to the Crown or public; and whether the Commissioners will undertake not to sell or let into private hands any part of the Thames or rights of fishing therein, or any rent-charges in London belonging to the Crown which have been reserved on Crown grants of land?

*SIR J. T. HIBBERT: An osier bed on, and a right of fishing in, the river belonging to the Crown were sold in 1888, as mentioned in Appendix 3 (b) to 67th Report to Parliament of the Commissioners of Woods. The Crown is believed to own only one other fishery right in the Thames, which is adjacent to the Home Park, Windsor. It would not be consistent with the duties of the Commissioners of Woods, under the Land Revenue Acts, to give the undertaking asked for.

INSANITARY AREAS IN LAMBETH.

MR. LOUGH: I beg to ask the Secretary to the Treasury whether it is true that an insanitary area in Lambeth belongs to the Duchy of Cornwall; and on what grounds the Duchy officials, who have been asked by the London County Council to improve it, have refused to do so?

SIR J. T. HIBBERT: There is no insanitary area in Lambeth belonging to the Duchy of Cornwall. Some houses in the parish of Lambeth, known as the Salutation Place area, are erected on land belonging to the Duchy; but the Duchy has at present no power to interfere with

the property, as, in accordance with special Acts of Parliament, it will not come into the Duchy's possession until 1909. The Duchy have offered to co-operate with the London County Council so far as the Duchy Acts allow.

MILK RATES ON THE MIDLAND.

MR. COBB (Warwick, S.E., Rugby): I beg to ask the President of the Board of Trade whether, on 7th April last, the Secretary of the East and West Junction and Stratford-on-Avon, Towcester, and Midland Junction Railways Company wrote to the Board of Trade that arrangements had been made to adopt a reduced rate for the conveyance of milk, and that this would apply to all traffic forwarded since 31st December, 1892; whether he is aware that, notwithstanding this promise, Messrs. J. G. Parker and John Fearn and others connected with the milk trade have been, and are still being, charged the increased rate from Kineton to Euston, and that the Company have refused, and still refuse, to carry their milk unless the increased rate is actually paid; whether he is aware that in similar cases in dealing with large firms and companies the Railway Companies have been carrying goods and produce without exacting the payment of the increased rates, leaving a final settlement of account in the future; and whether he will make representations to the Railway Company in question, with a view of putting an end to the inconvenience and loss now being suffered by farmers and others in the Kineton district?

MR. MUNDELLA: On the 7th April the Railway Company informed the Board of Trade that they proposed to adopt a reduced rate, and that it would (where necessary) apply to all traffic forwarded since December 31st. I have now received a letter from the Company, in which they state that the rate of 1d. per gallon in operation prior to January 1st was charged in error by their station agent, the proper rate being 1½d. The Company add that Messrs. Parker and Fearn are the only senders of milk from Kineton Station. In answer to the third and fourth paragraphs of the hon. Member's question, I believe that there are cases where such an arrangement has been made, and I will communicate further with the Railway Company with reference to the complaint.

MR. COBB: But is it not a fact that previous to the 31st December last the

rate was 1d., and it has since been increased to 1½d.?

MR. MUNDELLA: Yes; but the Company explain that this was a mistake of the station-master's, and the excess charge will be refunded.

SCHOOL ACCOMMODATION AT EASTBOURNE.

ADMIRAL FIELD (Sussex, Eastbourne): I beg to ask the Vice President of the Committee of Council on Education whether he is aware that, in considering the accommodation provided in the elementary schools at Eastbourne, Mr. Lindsell, the Inspector appointed to conduct a public inquiry on 20th April, refused to recognise 202 school places which, as lately as 14th January, 1893, had been recognised by the Department as "available" for being counted in estimating an alleged deficiency; and whether he has considered the difficulty caused to the school managers by such a decision?

*MR. ACLAND: The notices published by the Department on 14th January last estimated the existing accommodation available for the district at 3,791 school places. A public inquiry was afterwards claimed and held. The Inspector appointed to conduct it has reported that 152 of these places must be deducted on account of defective premises in several schools, and that 50 other places at present unoccupied at an outlying school are not, in fact, available for any other children than those who are now attending it. The schools which have had their accommodation somewhat reduced will be recognised for the current school year for the old numbers, so that no difficulty will be caused to the managers.

ADMIRAL FIELD: If the school managers are willing to make good the defects, will the Department withdraw its arbitrary edict?

MR. ACLAND: I believe the demand is to supply 1,300 places. Of course, that may be done in various ways, and any proposal the managers may make will be fully considered by the Department.

INTERMEDIATE EDUCATION IN IRELAND.

MR. W. JOHNSTON (Belfast, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland why the Report of the Intermediate Education

Commissioners for 1892 has not yet been published; and if the Commissioners can expedite its publication?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): The Report referred to was laid on the Table of this House on the 30th May, and will, I understand, be circulated amongst Members on Thursday or Friday next.

THE HAZARA EXPEDITION.

MR. BILL (Staffordshire, Leek): I beg to ask the Under Secretary of State for India whether, now that the frontier medal has been granted to the troops engaged in the Hazara Expeditions of 1882 and 1891, the India Office will re-consider the question whether the frontier medal should not also be granted to the troops that took part in the Zhob Valley Expedition of 1884?

***MR. GEORGE RUSSELL**: In 1885 the then Under Secretary of State explained in the House that the circumstances of the Zhob Valley Expedition were not held to warrant the grant of the medal; and a similar answer has since then been given to the questions which have from time to time been asked on the subject. The Secretary of State sees no reason for re-considering the decision in the fact that a medal was given for the Hazara Expedition.

INFECTIOUS DISEASES IN THE METROPOLIS.

MR. TALBOT: I beg to ask the President of the Local Government Board whether representations have reached him from various parts of the Metropolis to the effect that poor persons are now kept in their crowded homes, suffering from infectious diseases, because there is no room for them in the hospitals of the Metropolitan Asylums Board; and whether he hopes within a few days to give such decisions as will enable that Board to provide temporary accommodation in this great emergency?

MR. H. H. FOWLER: I have not received representations from different parts of the Metropolis that poor persons are now kept in their crowded homes suffering from infectious disease in consequence of there being no room in the hospitals of the Metropolitan Asylums Board. But I am well aware that the managers are in great difficulty in consequence of the large number of cases of

fever in the Metropolis at the present time. The only question as regards additional accommodation which is now undecided by the Local Government Board relates to the purchase of land at Lewisham for an asylum, and the Board are in communication with the Managers on the subject. I will give prompt attention to any proposals which I may receive from the Managers with regard to the provision of temporary accommodation.

MR. TALBOT: Has the right hon. Gentleman no information of a case at Westminster, which it has been found impossible to remove, although there are children living in the same building?

MR. H. H. FOWLER: I have no information of that, but I must say that it is a lamentable state of things if that be so. I will cause inquiry to be made.

THE GERMAN ELECTIONS.

MR. CAINE (Bradford, E.): I beg to ask the Under Secretary of State for Foreign Affairs if the Secretary of State will ask Her Majesty's Ambassador at Berlin to report fully upon the operation of the second ballot in the elections now taking place throughout the German Empire?

***SIR E. GREY**: Her Majesty's Ambassador at Berlin has already been instructed to report upon the operation of the second ballot during the present elections in the German Empire.

THE IRISH REGISTRATION ACT.

MR. T. M. HEALY: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland why the precept under the Irish Registration Act is not made the same as the English precept?

MR. J. MORLEY: I am of opinion that it would be well the Irish precept should follow as far as practicable the precept used in England. I have already directed a comparison of the two which is now being carried out.

TRAINING SHIPS.

CAPTAIN DONELAN (Cork, E.): I beg to ask the Secretary to the Admiralty whether he is aware that there are at present eight training ships and four training brigs stationed in English ports, and not one of either class in an Irish port; and whether, under these circumstances, he will take into consideration the Resolutions lately adopted by the Cork Corporation, the Cork Chamber of

Commerce, and the Queenstown Town Commissioners, urging upon the Admiralty the claim of Queenstown as a suitable station for a training ship, being the headquarters of the Royal Navy in Ireland?

*THE SECRETARY TO THE ADMIRALTY (Sir U. KAY-SHUTTLEWORTH, Lancashire, Clitheroe): There are five training ships in England and one in Scotland. Two of these have another ship attached to them to afford additional room; but in each case the two ships form one establishment. There are six sailing tenders in England and one in Scotland. The hon. and gallant Member has already been informed, in answer to a question on the 1st of June, that there is no present intention of increasing the numbers of boys' training ships, and that, should any need for increase arise, the relative advantages of Cork and other places in the United Kingdom would be considered.

CAPTAIN DONELAN: Does the right hon. Gentleman consider the present distribution of training ships fair to Ireland?

*SIR U. KAY-SHUTTLEWORTH: The question is scarcely one of fairness to Ireland. A great many other questions have to be considered. Foremost among these are the interests of the Navy and the interests of the training of the boys.

MR. FLYNN (Cork, N.E.): Is the right hon. Gentleman aware that a large number of boys from Ireland have to travel to English ports in order to get the training?

[The question was not answered.]

THE HELSTON OUTRAGE.

MR. W. REDMOND (Clare, E.): I beg to ask the Secretary of State for the Home Department whether he is aware that, as has been stated in the daily papers, a double-barrelled gun was discharged through the windows of the house of Mr. Henry Rogers, of Helston, Registrar of the County Court, at about 11 o'clock on Monday night, shattering the glass and frightening Mr. Rogers considerably, and that a second volley was fired through Miss Rogers' bedroom window, fortunately without doing any personal injury to the lady; and whether any arrests have yet been made?

MR. THEOBALD (Essex, Romford): May I ask whether Captain Moonlight or any of his lieutenants have lately been in the neighbourhood of Helston; whether the Secretary of State for the Home Department now fully recognises the enormity of the offence, seeing that it was attempted against a person whose political opinions were in accord with those of Her Majesty's present Government, instead of having been attempted by the Land League, of which several of the present Government's supporters and allies in this House are Members?

MR. ASQUITH: I do not think that the supplementary question of the hon. Member requires serious notice. I understand from a Report which I have received from the Chief Constable of Cornwall that the facts are as stated in the first paragraph of the question. With regard to the second paragraph, I understand that the police are satisfied that the object of the outrage was to frighten and not to injure Mr. Rogers. At present no arrests have been made, but the matter is being carefully investigated.

MR. SMITH-BARRY (Hunts, S.): May I ask whether the outrage was of an agrarian nature?

MR. W. REDMOND: Will the right hon. Gentleman say whether the gravity of a diabolical outrage like that to which I have drawn attention depends on the question whether it is agrarian or not?

[No answer was given.]

LABOUR CONTRACTS IN ESSEX.

MR. SAUNDERS: I beg to ask the Secretary of State for the Home Department if his attention has been called to a Memorandum of Agreement, published in *The Weekly Times and Echo* of 4th June last, between a farmer and a labourer in East Wilts, binding the servant to be always at his work at all hours and times required in his capacity of cowman and to milk 10 cows or more at each milking for 7s. per week, subject to fines of 2d. per quarter of an hour for being late in the morning or otherwise absent, and 2s. 6d. for any cow found to be only partially milked; and will he state whether such fines are a violation of the Truck Act or otherwise illegal; and, if so, will he ascertain if such agreements are general in East Wilts, and adopt measures to stop the practice?

MR. ASQUITH: My attention has been called to the Memorandum of Agreement referred to. The effect of a recent decision ("*Hewlett v. Allen*") is, I am advised, not that fines are illegal, but that deductions from wages on account of fines are not authorised, and, therefore, are prohibited by the Truck Act. I do not think there is any occasion for me to make any further inquiry into the matter.

FRIENDLY SOCIETIES' RETURNS.

MR. BILL (Staffordshire, Leek): I beg to ask the President of the Local Government Board whether the Government have taken into consideration the statement contained in Table 8 of the last Report of the Chief Registrar of Friendly Societies (1891), with reference to the state of the funds of those Societies; and whether, in view of the Chief Registrar's admission that he is unable to adequately enforce the law against those Societies which do not comply with the requirements of the Acts in respect of Annual Returns and Valuations, the Government will endeavour to give him additional and sufficient powers for that purpose, in order to safeguard, as far as possible, the savings of the working classes?

SIR J. T. HIBBERT: The words used by the Chief Registrar were not "an adequate enforcement of the law," but an "exhaustive enforcement" of it. In the years 1891-2 the Law Clerk of the Friendly Societies Registry conducted 110 prosecutions, and the Chief Registrar is not of opinion that a larger number of prosecutions is necessary for the adequate enforcement of the law. This view appears to me to be confirmed by the large increase in the number of Annual Returns and Valuations received between the years 1882 and 1892.

PARLIAMENTARY RETURNS.

MR. J. CHAMBERLAIN (Birmingham, W.): I beg to ask the Secretary to the Treasury why the important Returns connected with the Government of Ireland Bill are not circulated to Members, but are not delivered to Members unless specially asked for, thus causing delay and trouble; and what is the estimated saving to the Treasury obtained by withholding short Returns of this importance from general circulation?

SIR J. T. HIBBERT: The Rules regulating the distribution of Parliamentary Papers are those of 1889 recommended by the Select Committee on the subject. Paragraphs 1 and 6 of those Rules provided that general delivery of all Papers to Members, as a matter of course, was to cease with the exception of Votes and Proceedings, Estimates and Reports of Royal Commissions and Select Committees; but in the case of Papers of special interest, a full delivery was to be made on instructions being given to that effect, if a Command Paper, by a Cabinet Minister or by the Select Committee; if printed by Order of the House of Commons, by the Speaker. I shall be careful to have such Papers as are referred to by the right hon. Gentleman distributed in future.

MEMBERS AND THEIR CORRESPONDENCE.

MR. BODKIN (Roscommon, N.): I beg to ask the Postmaster General whether there is any exemption in the Statute 4 & 5 Vict., c. 56, in favour of the Official Correspondence of Ministers or of Public Departments, or any distinction taken between them and Members of the House of Commons; whether he will consult the Law Officers if it would be legal, without further legislation, to extend the same privileges which attaches to such Correspondence to the letters of Members of Parliament posted within the precincts of the House, the expense of such an arrangement being defrayed out of a Vote for the purpose; and whether he will favourably consider the advisability of such an arrangement if it is found to be legal, and will give an approximate estimate of the cost of same?

MR. A. MORLEY: My answer to the first question is, No. The Act 3 & 4 Vict., c. 96 expressly abolished existing privileges of free postage, the chief of which was that enjoyed by Members of Parliament. I see no necessity for consulting the Law Officers, because, as I informed the hon. Member on Friday, the change he desires would require a fresh Act of Parliament.

DR. MACGREGOR (Inverness-shire): May I ask the Postmaster General if he will state why paid officials of the Crown are allowed free

postage for letters they send to Members of this House, while unpaid Members of the House have to stamp letters sent in reply to Ministers of the Crown?

MR. A. MORLEY: There is not a system of free postage in regard to Public Departments. No money actually passes, but all the transactions are shown on the Votes. Members of the House and the public generally are allowed to write to Ministers without stamping the letters.

DR. MACGREGOR: I have never been aware of that.

MR. MACFARLANE: Will the right hon. Gentleman charge double postage on all letters sent to Members of this House?

MR. HOGAN (Tipperary, Mid): In connection with this subject, may I ask the right hon. Gentleman whether he is aware that Members of several of our Colonial Parliaments have not only their letters franked through the post, but are also presented with free first-class passes over all the railways, and have a prescriptive right to the box-seat on all coaches carrying Her Majesty's mails; and whether he can give any satisfactory reasons why Members of the Imperial Parliament should not enjoy similar facilities for the performance of their public duties?

[The question was not answered.]

LIGHTHOUSE ILLUMINANTS.

MR. W. KENNY: I beg to ask the President of the Board of Trade whether he has received from the Chamber of Commerce of Dublin a document entitled, *Evidence respecting the Electric Light as a Lighthouse Illuminant*, referring to a trial between the electric light and Mr. Wigham's new gas light, proposed to be made by that gentleman at his own expense; whether he will inform the House how the matter stands as to the application of the electric light as a "fixed" light at the Old Head of Kinsale; whether the Board of Trade and Trinity House have given sanction to that application; and whether, considering the important evidence in the paper above referred to, including reference to the loss of the *Eider* at St. Catherine's Point, and the opinions expressed in Parliamentary Paper, No. 92, 27th February last, he will give instruc-

tions that nothing further be done until the trial proposed by Mr. Wigham shall have been completed?

MR. MUNDELLA: I have received the document referred to, which I presume has also been sent to the Commissioners of Irish Lights, with whom will rest the decision whether in this instance experiments which do not involve the expenditure of public money should be carried out. In March, 1891, the Commissioners applied to the Trinity House for the requisite sanction to the establishment of a fixed electric light at the Old Head of Kinsale, and the Trinity House declined to give their statutory approval, a course which was concurred in by the Board of Trade.

*MR. W. KENNY: Have not the Board of Trade the power to make experiments themselves?

MR. MUNDELLA: No, Sir.

THE EMPLOYMENT OF DISCHARGED SOLDIERS.

SIR J. FERGUSSON: I beg to ask the Secretary to the Treasury whether it is the case that non-commissioned officers and soldiers in the Reserve or discharged are ineligible for appointments in Government Departments after 32 years of age; whether, seeing that in Austro-Hungary non-commissioned officers after 12 years' service in the active Army have a claim to situations under the State, and are eligible up to 45 years of age, that in France they are eligible up to 47 years, while in Germany and Italy they become eligible after 12 years' service, and that superior situations are preferentially given to them, he will consider the advisability of rendering such approved persons eligible in this country; and whether, in the interest alike of the Army and of the Civil Service, Her Majesty's Government will consider whether non-commissioned officers should be induced to prolong their service with the colours by having their future guaranteed, and their habits of discipline and method utilised in other branches of the Public Service?

SIR J. T. HIBBERT: The Rule for messengers in Government Departments is usually admission up to the age of 35 years, with a general exception in favour of men with Army or Navy service, who may deduct from their actual age any time which they have served to-

wards pension. I doubt whether, on the whole, the Rules are any less liberal than those prevailing in other countries. The last paragraph raises a large question, which is, I think, rather for the consideration of the Secretary of State for War and the Board of Admiralty than for me.

SIR J. FERGUSSON : I should like to ask the Secretary of State for War whether the prospect of employment for discharged soldiers by the State has not had a very beneficial effect in improving the quality and conduct of recruits ?

***MR. CAMPBELL-BANNERMAN** : I cannot undertake to attribute to any particular cause the increasing improvement in the quality of recruits, but I have no doubt that the employment of men after discharge by the State must have a salutary effect.

SIR J. FERGUSSON : May I ask the Secretary to the Treasury whether the Government have passed any Order in Council or self-denying Ordinance providing for the employment of old soldiers in the public offices instead of domestic servants ?

SIR J. T. HIBBERT : The subject has been under the consideration of the Treasury during the last few days, and a communication with reference to the course to be taken will be made in a short time.

RE-DIRECTION OF POSTAL MATTER.

MR. HENNIKER HEATON : I beg to ask the Postmaster General will he explain on what grounds, until the issue of the existing Regulation on the subject of the re-direction of letters, all postal packets, including letters, book-post matter, and newspapers, were re-directed and delivered free within the same district, provided that notice of removal were given at the district post office ; whether on granting, under certain conditions, the privilege of free re-direction of letters to the same or another district, the former privilege of free re-direction of other postal packets within the same district was suppressed ; and whether he will restore the privilege thus suppressed as regards removal, of which due notice is given, to another address within the same district ?

MR. A. MORLEY : In answer to the first paragraph, I can only say that under the old system of re-direction a practice had grown up of re-directing any kind of

correspondence without charge within the limits of the same postal delivery. This exemption was, however, anomalous ; and when the Government granted in June of last year the important concession of free re-direction for letters to any part of the United Kingdom, it was thought right, while retaining the charge for re-direction on other postal packets, to make the charge on such packets uniform in its operations, and to abolish the local exemption which had previously existed. I am not prepared to recommend a departure from the decision of the late Government in this matter.

THE VENTILATION OF THE DIVISION LOBBIES.

MR. KNATCHBULL-HUGESSEN (Kent, Faversham) : I beg to ask the First Commissioner of Works whether his attention has been called to the extreme discomfort which Members have to endure in the Division Lobbies owing to the inadequate supply of fresh air ; and whether he will endeavour to remedy this by removing the glass from the doors of the Lobbies, or in some other way ?

THE FIRST COMMISSIONER OF WORKS (Mr. SHAW LEFEVRE, Bradford, Central) : I have given orders for the windows to be kept open as much as possible. But I may point out that the discomfort of Members is often unnecessarily prolonged by the delay of hon. Members in clearing in the House.

THE IRISH CONSTABULARY FORCE FUND.

MR. HARRINGTON (Dublin, Harbour) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, in view of the unanimity of opinion among those who are interested in the Constabulary Force Fund, he will direct that the fund be immediately wound up and distributed ?

MR. J. MORLEY : I have already replied very fully to several questions addressed to me on the subject of the winding up of the benefit branch of this Fund, and to these replies I am afraid I have nothing to add.

SWINE FEVER.

MR. FELLOWES (Hants, Ramsey) : I beg to ask the President of the Board of Agriculture whether he has communicated with the Treasury on the question of swine fever, as promised to the depu-

tation on Tuesday last ; and whether he is now prepared to state the intentions of the Government as to taking immediate action in the matter ?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. H. GARDNER, Essex, Saffron Walden) : I am still in communication with my Colleagues with regard to the subject of swine fever, and it is not as yet possible for me to add anything to what I have recently stated in this House and in reply to the deputation which waited upon me a few days ago. As to the necessity of the immediate action which the hon. Member suggests, I would refer him to what I said in reply to the question he put to me on the 5th instant.

MR. FELLOWES : Can the right hon. Gentleman give the House any idea when these communications will be completed ?

MR. H. GARDNER : I can assure the hon. Member there will be no unnecessary delay.

MR. CHAPLIN (Lincolnshire, Sleaford) : I should like to ask if it is not a fact that even supposing a Bill is proposed and passed it will not require a considerable time to organise the staff in order to give effect to it ? Do the Government intend to deal with the question during the present Session ?

MR. H. GARDNER : The evidence given before the Committee has not been circulated a fortnight. There has been no unnecessary delay.

MR. FELLOWES : In consequence of the answer of the right hon. Gentleman, I beg to give notice that I shall take an early opportunity of calling attention to the subject.

DEER FORESTS IN THE HIGHLANDS.

DR. MACGREGOR : I beg to ask the Secretary for Scotland whether his attention has been called to the proceedings before the Deer Forest Commission on the 14th instant, when a factor on an estate in Inverness-shire stated that a large farm with good arable land, carrying 8,500 sheep, was to be turned into another deer forest, because as he said there was some difficulty in letting it, yet confessed that it had not been advertised to let ; whether, under these circumstances, the Government will take such steps as will put a stop to the increase of deer forests until the Royal Commission has

reported to this House ; and whether the Government will support a Bill now before the House having this for its object ?

***SIR G. TREVELYAN** : I have read in the newspapers the report of the proceedings before the Deer Forest Commission. It bears out the statement of my hon. Friend. It is certainly the case that sheep farms are in course, and for ever since the Report of the Highland Commission have been in course, of conversion into deer forests without any regard being paid to the limit of 1,000 feet above the sea recommended by that Commission. The knowledge of this state of things was one main reason for the appointment of the Deer Forests Commission, and the action of the Government will be determined after receiving their Report.

DR. MACGREGOR : May I ask the right hon. Gentleman if he is aware that Inverness-shire is the largest county in Scotland, that it has an area equal to about one-seventh of the whole of Scotland, that more than one-third of it is under deer forests, that one-tenth of it is locked up, that 400 square miles of land between that county and Ross-shire has been locked up without even any shooting over it, and are the Government to sit down quietly and allow this state of affairs to go on ?

SIR G. TREVELYAN : I was brought up at an English public school, and my geographical knowledge has been picked up by rule of tongue. I am aware that there is one county in Scotland bordering on Inverness-shire, in which out of 2,200,000 acres 1,200,000 acres are already under deer forest, and I think that is a very serious state of affairs. I can add nothing to the answer I have already given.

DR. MACGREGOR : The question is, what is the remedy ?

GREENWICH AGE PENSIONS.

MR. KEARLEY (Devonport) : I beg to ask the Chancellor of the Exchequer whether he will state definitely whether the Government intend, this Session, to introduce the Bill necessary to give effect to that part of the recommendation of the Select Committee on Greenwich Age Pensions (1892), which involves a charge on the Consolidated Fund ?

SIR W. HARCOURT : It is intended to give effect to the recommendations of the Committee on this matter, and I am considering how it can best be done. If it is necessary for the purpose to introduce a Bill this Session that course will be adopted.

THE TREATMENT OF INEBRIATES.

MR. KNOWLES (Salford, W.) : I beg to ask the Secretary of State for the Home Department whether the Government intend to take any, and if so, what, action with the intention of carrying out the recommendations contained in the Report of the Departmental Committee on the Treatment of Inebriates ?

MR. ASQUITH : I hope to be able to give effect to the recommendations of the Department on the treatment of inebriates, but I can hold out no prospect of dealing with the subject during the present Session.

THE EDUCATION OF SOLDIERS.

MR. HANBURY (Preston) : I beg to ask the Secretary of State for War whether the highest grades of the non-commissioned ranks are now restricted to men holding first-class certificates of education ; and whether this restriction is found to limit too much the area of choice for promotion to those grades, or to act unfairly towards non-commissioned officers of practical experience who from the important nature of their duties cannot find the time for attendance at school ?

***MR. CAMPBELL-BANNERMAN** : Appointment to the rank of warrant officer and to a small number of select posts held by non-commissioned officers can only be obtained by men with first-class certificates of education. This Rule was introduced in 1888, but a relaxation was granted as regards all candidates who were then non-commissioned officers. I am informed that the Rule has worked well. It has not unduly limited the area of choice, nor can it be said to have acted unfairly towards non-commissioned officers of practical experience, though it may have prevented some such men from obtaining posts for which they were not educationally qualified. It would be undesirable to hold out any hope of the relaxation of the Rule.

THE CASE OF THOMAS BUTLER.

MR. BODKIN : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the case of Thomas Butler, police pensioner, who was so severely injured by a gunshot wound accidentally inflicted by a comrade while on duty, at a police station in County Cork, that his forearm had to be amputated, and who was thereupon discharged on a pension of £10 16s. 8d. per annum ; whether he is aware that Butler is now residing, in absolute penury, precariously supported by his friends, near Strokestown, in the County of Roscommon ; and whether he will take steps to ameliorate as far as possible his position ?

MR. J. MORLEY : The facts are substantially as stated in the first paragraph of the question. Butler's service in the Force was only two years and one month. Inquiry is being made into his present circumstances, and, if necessary, a further communication will be addressed to the Treasury on the matter.

THE SUEZ CANAL SHARES.

SIR E. ASHMEAD-BARTLETT (Sheffield, Ecclesall) : I beg to ask the Chancellor of the Exchequer what is the total present estimated value of the Suez Canal shares, purchased by Lord Beaconsfield in 1875 for £4,000,000 ; what amount of the £4,000,000 has been paid off by the Sinking Fund ; when the shares thus purchased will be entitled to share the annual dividend ; what the amount of the dividends paid by the Suez Canal Company has been for the past three years ; and what proportion the British tonnage of ships passing through the Canal bears to the total tonnage ?

SIR W. HARCOURT : The answer to the first question is £17,750,000 ; to the second question, £3,805,000 ; to the third question, the 1st of July, 1894 ; to the fourth question, for 1890, 17 per cent. ; 1891, 21 per cent. ; 1892, 18 per cent. ; and the answer to the fifth question is 75 per cent.

IRISH POST OFFICE EXPENDITURE.

MR. J. CHAMBERLAIN : I beg to ask the First Lord of the Treasury if he will lay upon the Table a statement showing how the division of expenditure

between the Post Office in Ireland and the Post Office in Great Britain has been arrived at; and if he will state if the Estimate already presented to the House has been approved or confirmed by the permanent officials of the Post Office?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): I am not quite sure that I understand the exact nature of my right hon. Friend's question. Is it that he wishes to know in each case the grounds upon which the particular division of charge is made? If so, I will endeavour to obtain that information. With regard to the latter part of the question, my right hon. Friend is well aware that the Government cannot know anything except through the Heads of Departments. If they are to substitute the responsibility of the permanent officials for that of the Heads of Departments, in regard to the accuracy of statements, the House of Commons would entirely lose its supervising power over the Public Offices. Heads of Departments must judge of the information they receive from the permanent officials.

SUPPLY.

MR. A. C. MORTON (Peterborough): I beg to ask the First Lord of the Treasury whether he will consider the advisability of giving one day in each week to Supply, so that the ordinary business of the country may make some progress?

DR. MACGREGOR: May I ask the right hon. Gentleman whether he will not more effectively apply the weapons forged by his adversaries to push on Home Rule?

MR. W. E. GLADSTONE: I would be very thankful to anyone who would put a weapon in my hands—provided it is one that could be becomingly used—which would have the effect of pushing on the Government of Ireland Bill. In answer to the question of my hon. Friend below the Gangway, I do not think I could make a periodical application of that kind with advantage to the House. The state of our arrangements must be governed mainly by the exigencies of the Public Service, and it will be necessary shortly to have a brief suspension of the proceedings on the Irish Bill in order to obtain money for the Public Service. We propose, therefore, to take the Navy

Estimates on Monday next and the Army Estimates on Tuesday. Those two days will necessarily be taken out of the scope of the proceedings of the Irish Bill. Due notice will be given of the particular Votes which are to be taken.

MR. MACFARLANE: With a view to prolong the time at the disposal of the Government for Public Business, will the right hon. Gentleman move to suspend the Twelve o'clock Rule?

[No answer was given.]

THE FRENCH IN SIAM.

SIR E. ASHMEAD-BARTLETT: I beg to ask the First Lord of the Treasury (1) whether his attention has been called to a letter written by Mr. Holt S. Hallett to *The Times* of 16th June, regarding Siam; (2) whether the French claim the whole of the Siamese territory east of the Mekong, amounting to one-third of the Kingdom of Siam; (3) whether French troops have invaded Siam, and occupied Stingteng, Khong, and Camnon; (4) whether it is proposed to patrol the Mekong with French gunboats, and to run French steamers on the river; (5) whether the frontier of British Burmah touches the Mekong; (6) and what steps Her Majesty's Government are taking to preserve these important territories of Siam and the contiguous regions of Southern China for British trade?

*SIR E. GREY: Perhaps I may be allowed to answer these questions. (1.) Attention has been called to Mr. Hallett's letter. (2.) As was stated on the 1st instant, in reply to an inquiry made by the hon. Member for the Southport Division, and by the Secretary of State in the House of Lords on the 15th, neither Her Majesty's Government nor the Siamese Government, so far as is known, have any distinct knowledge of what territory on the east of the Mekong is claimed by the French. (3.) It is understood that the places indicated, but somewhat incorrectly spelt, in the third clause of the question have been occupied by the French. (4.) Her Majesty's Government are not in a position to state what are the intentions of the French Government as to their future action on the Mekong River, or whether, indeed, such action as that described be practicable. (5.) The State of Kyaington, which is in feudatory

relations to the Indian Government, does touch the Mekong in a portion of its eastern frontier, and the State of Kyaing Chaing, over which Great Britain has feudal rights, but which has been ceded by us to Siam, lies astride of the river. This portion of the river is, however, at least 400 miles distant from the nearest point of the present French operations. (6.) The question, as far as we are aware, is one of disputed frontier between France and Siam, and no steps have been required to preserve trade relations with Siam or Southern China. I am enabled to add that the report of the despatch of a French fleet to Bangkok is not correct.

SIR E. ASHMEAD-BARTLETT : Is it not the fact that the French are occupying the whole of Eastern Siam up to the Mekong. Has any protest or communication of any kind been made by Her Majesty's Government in regard to such occupation?

SIR E. GREY : Our information is that the French have occupied the places named in the question.

SIR E. ASHMEAD-BARTLETT : The whole of Siam up the Mekong ?

*SIR E. GREY : The Siamese Government have not yet been able to obtain from the French Government the exact extent of their claims. But at present the French have not got within 400 miles of territory over which we claim rights.

SIR E. ASHMEAD-BARTLETT : And no representations have been made to the French Government ?

SIR E. GREY : None by us.

THE ROYAL WEDDING.

MR. A. J. BALFOUR (Manchester, E.) : I beg to ask the First Lord of the Treasury whether the Government intend to make any arrangements for the representation of this House at the Royal Wedding ; and whether Mr. Speaker is to be requested to attend officially on behalf of the House ?

MR. W. E. GLADSTONE : In answer to the right hon. Gentleman, what I find has taken place is this : A communication has been made to the Speaker of the House of Commons including him among the distinguished personages receiving invitations to Royal marriages. I think that has been the case on almost every occasion that has occurred. But I do not find that he

has ever been invited, in a strict sense, in his capacity as the Representative of this House. I think the evidence is rather to a contrary effect, because while several of these marriages have been strictly State ceremonials, others of them being not State ceremonials, though they were Court festivities, I find that on the occasion of the State ceremonials, as when the Queen was married, Speaker Lefevre was invited with Mrs. Shaw-Lefevre. A similar course was taken on the marriage of the Princess Royal, and that of the Prince of Wales as to Speaker Denison and Mrs. Denison, so that it could not be considered that Mr. Speaker attended in his strictly official capacity as representing the House of Commons.

THE FINANCIAL CLAUSES OF THE HOME RULE BILL.

MR. BARTLEY (Islington, N.) : I beg to ask the First Lord of the Treasury when he proposes to circulate the new Financial Clauses of the Home Rule Bill ?

MR. W. E. GLADSTONE : I have already stated, in reply to the right hon. Gentleman the Member for St. George's, Hanover Square, that they will be laid upon the Table, as I hope, before the end of the week.

THE TITLE OF "HONOURABLE."

MR. THEOBALD : I beg to ask the First Lord of the Treasury whether, seeing that Her Majesty has been graciously pleased to approve of the use and recognition throughout Her Majesty's dominions of the title of "honourable" at present appertaining only locally to Members of the Executive or Legislative Councils in Colonies possessing responsible Government for so long as they remain entitled thereto, whether for life or during tenure of the qualifying office, is it the intention of the Government, should the Home Rule Bill become law, to advise Her Majesty to graciously approve of the similar use and recognition of the title of "honourable" in the case of Members of the Irish Executive or Legislative Council, or of both of them, should there appertain to them in Ireland that honourable distinction ?

MR. W. E. GLADSTONE : This question is one which seems to anticipate the speedy passing of the Home Rule

Bill. I hope it may be so. But the question as to the titles of those who may be Members of the new Legislature is one which will very well bear a little postponement.

DEPRECIATION OF THE RUPEE.

MR. MACFARLANE: I beg to give notice that on the introduction of the Indian Budget I will move that, in the opinion of this House, it is desirable that there shall be an equalisation of military and other charges between this country and India, and that a Committee shall be appointed to report on the subject.

NEW MEMBER SWORN.

Thomas Hope, esquire, for the county of Linlithgow.

MESSAGE FROM THE LORDS.

That they have agreed to,—Local Government Provisional Orders (No. 4) Bill, Local Government Provisional Orders (No. 5) Bill, Local Government Provisional Orders (No. 9) Bill, Pier and Harbour Provisional Orders (No. 4) Bill.

NEW WRIT.

For Pontefract, *v.* Harold J. Reckitt esquire, Void Election.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 16th June.*]

[TWENTY-THIRD NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 4 (Restrictions on Powers of Irish Legislature.)

***MR. T. H. BOLTON** (St. Pancras, N.) said, that Sub-section 5, which the Committee was then discussing, provided that the powers of the Irish Legislature should not extend to the making of any law whereby private property might be taken without just compensation. The Committee would notice that the sub-section, as it stood, provided compensation only for private property taken. He ventured to propose an

Amendment which would secure that compensation should be given, not only for private property taken, but for private property "injuriously affected." He did not apprehend that the Government would find any great difficulty in assenting to this Amendment, because it came well within the scope of the sub-section, and dealt with a point which the draftsman might possibly have overlooked. It might be suggested that the words "property taken" had a wide and general operation, and that it was difficult specifically to provide for all matters which ought to come within the sub-section. But the words "property taken" would not cover a large number of interests which would be especially subject to legislation by such a Body as the proposed Irish Legislature. For private property actually taken it would be hard to suppose that compensation would not be given by any persons actuated by common honesty. Some recognised compensation would no doubt be paid. But there were very many interests of great importance which might be injuriously affected, and for which no compensation whatever would be given if they restricted the provision to the taking of property only. He would call the attention of the Law Officers of the Crown to the fact that in the Lands Clauses Act there was a distinct section which provided for the giving of compensation for property injuriously affected, and a distinction was drawn between property taken and property "injuriously affected." If such a provision were necessary in the Lands Clauses Act it would be equally necessary in this measure. He might be asked what were the interests injuriously affected which would not be compensated under the section as framed. His reply was that there were easements and privileges of great value, for which no compensation would be obtained under the provision giving compensation for property taken. Lands might be flooded, streams might be diverted, and a diminution in the flow of water might be brought about, property might be deprived of river frontage, houses of lateral support buildings might be affected by tunnelling and vibration, and in many other ways lands might be injured, &c., and unless some provision for compensation was made valuable rights and interests might thus

be taken away from the owner without his obtaining any redress. The narrowing of a road might injure a man's trade, ancient lights might be interfered with, injury to property might be caused by the vibration of machinery. These were cases in which no compensation was provided for under the section. He was sure there was no wish on the part of the Government to deprive owners of property of the right to compensation for such injuries, and he could hardly suppose that any fair-minded man sitting on the Irish Benches would wish to injure property without giving fair compensation for the injury. It was, perhaps, even more important to provide in the Bill for this class of cases than for those which the sub-section, as drafted, provided for. It was well within the bounds of supposition that Acts of the Irish Legislature might be passed affecting property in the way he had referred to without compensation. If it was right to have a sub-section providing compensation for property taken, it was also right to provide compensation for property injuriously affected, and this would only be a reasonable and practical addition to the sub-section.

Amendment proposed,

In page 2, line 33, after the word "taken," to insert the words "or injuriously affected."—*(Mr. T. H. Bolton.)*

Question proposed, "That those words be there inserted."

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar): I cannot, on behalf of the Government, agree to this Amendment. I think that a misconception underlies the whole argument of the hon. Gentleman. The clauses in the Lands Clauses Acts show that the words "injuriously affected" possess a very special meaning. That Act deals with lands which may be "taken" and with lands that may be "injuriously affected." It is not the law now that persons whose lands are injuriously affected are necessarily entitled to compensation in all cases. It has been clearly decided that the clause about lands "injuriously affected" applies in many cases only when some land of the person claiming has been taken. Other persons, doubtless, may have their lands injuriously affected in a similar manner; but it has been laid down that such claims as these persons

may have are so vague and uncertain that it would not be proper, under any system of legislation, to provide for them. Accordingly, they are not provided for. The words employed in the present case will certainly include the taking of easements—such, for instance, as light, right of road, and so on. The section is, in fact, wide enough to cover the cases mentioned, and to allow compensation in all cases in which, in the opinion of the Government, compensation ought to be allowed. It would be distinctly against the existing law of the United Kingdom to provide, in terms, compensation for all the claims which might come under claims for lands injuriously affected; and we should only be introducing uncertainty in place of certainty if we were to sanction the insertion of the words proposed. For these reasons the Government think that the Amendment ought to be rejected.

SIR H. JAMES (Bury, Lancashire): The Solicitor General has presented one view, but there is another which I would like to put before the Committee. It is true that the words "injuriously affected" have become words of art, and possess a particular meaning, but by the construction put upon them by the hon. and learned Gentleman great injustice might be done. Under the view of the Solicitor General, a man's property might be cut in two, and a small piece—say, one acre—taken out of the middle; but the owner could obtain no compensation save in respect of the one acre which was taken, although the injury done to his property might be far greater than the value of the acre which was actually taken. It would in the same way be possible to take the garden ground in front of a house and pay only for the land so taken without compensating the owner for the injury done to the dwelling. To allay any possible fears, I will suggest that the Government should allow the insertion of the words "injuriously affected," and that they should define their meaning. [*A laugh.*] That laugh seems to indicate that the Irish Home Rule Members wish to have the power of injuriously affecting property without having to pay compensation, and I will, therefore, press my suggestion upon the Government. I am, after all, only asking you to secure that compensation shall be paid in Ireland as is done in

this country for property injuriously affected. Millions of money have been paid to persons in this country in respect of property injuriously affected. I will suggest that such claims should be limited in the Bill to occasions when property is absolutely injured. A man's house may, for instance, be undermined, but not taken. Ought the owner to receive no compensation? I am not asking for compensation for fancy rights; but when property is substantially injured it is right that the owner should be compensated. I trust, therefore, that the Government will re-consider their decision and accept this Amendment.

***MR. W. KENNY** (Dublin, St. Stephen's Green) said, the Solicitor General seemed to take the view that the words "property taken" would be sufficient to cover compensation for severance or other consequential injuries to property. But had the hon. Gentleman considered Section 49 of the Lands Clauses Act, by which the jury were to assess separately the sum to be paid by reason of the severance or other consequential injury to the land? The 49th section was very distinct on that point. Not only were the jury to assess the value of the land purchased and to fix the compensation for injury done, but they were to assess the amount of compensation for damage, if any, sustained by the owner of the land by reason of the severance of his land. As he understood the Amendment, its object was to make plain what otherwise was vague and obscure. He could not understand any Member of the Government objecting to the addition of the words proposed, which were taken from an English Act of Parliament, unless, indeed, he were so infatuated with the American Constitution that he was unable to see any good in an English Statute. The English Act was distinct on this subject; this Bill ought to be equally clear, and surely no Member of the Committee could object to an Amendment which would have that effect.

***MR. MATTHEWS** (Birmingham, E.): I hope the Government will re-consider the decision that they have announced through the Solicitor General. They seem to think that fanciful claims might be made, but that objection is purely visionary. The words are in the

Lands Clauses Act, and have received, during some 50 years, judicial interpretation; and it is quite clear that no compensation will be given unless there is an actionable injury.

SIR C. RUSSELL: No.

***MR. MATTHEWS**: The Attorney General denies the proposition; but I am sure that no lawyer in the House will support him in denying that, unless the injury were actionable if it had not been under the protection of an Act of Parliament, no compensation would be paid in respect of it. That is perfectly certain. The hon. Member for St. Pancras has instanced cases in which, under the section as it stands, owners of property will not be entitled to compensation for "injury." A road might be raised, and the access to his premises made more difficult, yet there would be no compensation for injurious effects in such a case. These instances might be multiplied. I think it will be a matter for great regret if the Government persevere in rejecting an Amendment which can do no harm.

***MR. VICARY GIBBS** (Herts, St. Albans) said, the hon. Member for St. Pancras (Mr. T. H. Bolton) had suggested possible injury to property by the flooding of land through public works. Would the Solicitor General inform them how the words "property taken" could be taken to cover the flooding of land?

MR. T. W. RUSSELL (Tyrone, S.) said, he would take the case of public drainage works in Ireland. Nothing was more likely than that such works should give rise to the flooding of land, and he would like to know if the tenants of land so flooded were to have no compensation, because the land did not happen to be scheduled in the Drainage Act.

An hon. MEMBER asked whether, supposing it was desired to create an easement over land, there would be any right to compensation under the sub-section?

MR. J. CHAMBERLAIN (Birmingham, W.): I can suggest a case still more likely to occur, and one that has occurred in this city. Take the case of the Metropolitan District Railway. That, of course, goes under a great many houses in London, as the owners and occupants well know, by reason of the

consequent depreciation in value. The company have had to pay for compensation for disturbance for going under the houses, although they did not purchase those houses. Surely that is an example of the manner in which property may be injured without being taken. In Staffordshire cases continually arise in which claims are made against mine-owners for damage to houses caused through the subsidence of land under which the mines run. How would such cases in Ireland be governed by the words "property taken"?

*THE ATTORNEY GENERAL (Sir C. RUSSELL, Hackney, S.): This is one of the many cases with which we have had to deal in the course of the Committee on this Bill, in which Amendments have been put down in vague and general terms, which cannot be defended, and, when this is pointed out, then it is urged that some cases of hardship may arise which are not provided for, and to meet which the Government are invited to supply words. The section does not profess to exhaust every possible case that may occur, but it deals with the great majority of cases by seeking to prevent anything like injustice. It seems to be suggested that the Irish Legislature is sure to inflict grievous wrong on some class or classes of persons, but the very object of this sub-section is to prevent that being done. This is not a proposal to confer a power on the Irish Legislature; it is, on the contrary, one to restrict its powers. Now I come to the arguments that have been advanced. I confess I was a little startled by the statement of the right hon. Gentleman the Member for East Birmingham, especially when the right hon. Gentleman the Member for Bury seemed to give his assent to the proposition. I understood the late Home Secretary to say that there could be no claim for "injurious effect" under the Lands Clauses Act which would not give a right of action outside the Act. Does the right hon. Gentleman the Member for Bury endorse that statement? Is there anybody in the House who will endorse it? I do not think there is. My right hon. Friend cannot have considered the matter; for under the Lands Clauses Act it is clear that where other portions of an estate dealt with are "injurious effect"—which *per se* would

not give a cause of action—damages may be awarded. With regard to injury caused by the flooding of land, the answer is that the right of action would rest with the man whose land is flooded; and in the case of interference with easement rights, which are property rights, compensation would have to be given. My right hon. Friend cited the case of the raising of a road which prevented convenient access to a dwelling. Does he say in such a case damage may be given for injurious effect where no part of the property is taken? If he does, then I say he is entirely wrong. I will take a commonly familiar case, that of a public-house at a corner of a street: A railway comes which does not interfere with any property belonging to the owner of the house, but it diverts the course of traffic and interferes with the access to, and the custom of, the house. There is no cause of action in such a case, because no part of the property is taken; but under the Lands Clauses Act, if part of the property were taken, it would properly be alleged that the property was injuriously affected, and there would be a right to compensation. Undoubtedly it is the case, in the matter of railways which cause injurious effects on houses by vibration, thereby rendering them less likely to let, although there is no cause of action, yet there is a palpable injury, and yet the company does not become liable unless other part of the property is taken. I venture to suggest that all the cases which have been cited are covered by the sub-section and by the ordinary law, and that there is no need for the Amendment.

SIR H. JAMES said, that he was afraid these legal arguments weighed heavily upon the Committee, and he was very unwilling to continue expressing an opinion in opposition to those of his learned Friend. But he could not agree with any of the views the Attorney General had expressed. He thought that the contention of the right hon. Member for East Birmingham (Mr. Matthews) was correct. He also thought it clear that if injury was done to a man's land under statutory authority, no compensation could be obtained unless there was negligence in carrying out the powers given by Statute.

SIR C. RUSSELL: But the Statute would give compensation.

SIR H. JAMES: Then that view is conclusive in favour of the Amendment, for all it asks is that such compensation shall be secured to the person whose property is injuriously affected. If the Attorney General says that such compensation would always be given by the Irish Parliament, why should not we say that it must be so given.

MR. A. J. BALFOUR (Manchester, E.) said, the Government should consent to accept Amendments which they thought were desirable and which only put in precise language that of which they had merely a popular description in the clause as drafted. They had a clause before them which was but a popular description of that which was intended, and they had been left under this impression down to this 19th of June. Now the whole thing was changed; the Attorney General refused to accept an Amendment with which he agreed. They were not concerned with these popular descriptions. They were concerned with making the clause intelligible, and the Attorney General should tell them whether he was willing, or whether he was not, to insert words which would have that effect. He did not wish to prolong the discussion, nor did he wish to pronounce where lawyers disagreed. The words might, however, be accepted in order to making the meaning perfectly clear, and by yielding in this spirit to Amendments with which they agreed the Government would save a considerable amount of time.

MR. SEXTON (Kerry, N.) said, such an extraordinary extension as this Amendment would effect would destroy the power given to the Irish Legislature. In the first place, they would not impose upon the Irish Legislature a principle which they would never dream of imposing on themselves. That was the conclusion he had arrived at from the discussion. In the second place, if they meant to give the Irish Legislature power over order in Ireland they would be doing an injustice by dealing with a matter of this kind in advance. Such proceedings would be interpreted as against the principle of the Bill and as withdrawing confidence in the Irish people. If that spirit prevailed amongst them they should never have set about Home Rule.

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar) said, the words would

mean a very much different thing from that understood by the right hon. and learned Member for Bury (Sir H. James), and would apply to things to which these did not apply.

Question put.

The Committee divided:—Ayes 250; Noes 284.—(Division List, No. 151.)

*MR. H. HOBHOUSE (Somerset, E.) rose to move—

In page 2, line 33, leave out "just compensation," and insert "such compensation as he is at present by law entitled to."

He said his Amendment was intended to give a little more precision to one of the many indefinite expressions in the clause. The more they saw of the clause the more they felt that, if passed, it would have but one certain result—in a crop of litigation. He supposed they would be told that the phrase "just compensation" was taken from the American Constitution; but he asked, had it any definite meaning? He did not mean to ask the Committee to deal with the question for any length of time; but he must say a few words in order to show that the meaning even in the American law was not very precise, and that it would be totally inapplicable in the case of Ireland. He had first to notice the omission of the words "for the public use." The United States Constitution did not contemplate the meaning which the omission of these words would convey. In relation to "just compensation" in the United States Constitution, they knew that the State could only take property "for public use." Kent stated—

"If they (the Legislature) should take it for purposes not of a public nature, as if the Legislature should take the property of A and give it to B, under pretext of some public use or service, such case would be a gross abuse of their discretion and a fraudulent attack on public right, and the law would be clearly unconstitutional and void."

That was sufficient to show the application in the American law. Therefore, it was clear that the Government were giving an extension to the principle of just compensation which it would be found extremely difficult to carry out. Then, as to the principles of the American law, there were provisions with regard to time and tribunal. With regard to time, the provision for compensation must precede, or be concurrent with, seizure; but in some cases it is sufficient that the owner can

coerce payment through the judicial tribunals, or otherwise, without any unreasonable or unnecessary delay. As to tribunals, he found that the party was entitled to an impartial tribunal, but he was not entitled to a jury for assessing the value of the property unless the Constitution had provided such a tribunal for that purpose. There was also a rule to the effect that it was not competent for a State itself to fix the compensation through the Legislature for the reason given immediately after, that this would make the State the judge of its own cause. But in many of the cases they would have to deal with under the Amendment the State would not be the judge in its own cause, but judge in the case of a class of persons different to the class from which the property would be transferred; therefore, this principle of the American Constitution would not apply, and it would be competent, under the principle of the American law, for the State itself to fix the actual compensation to be paid in an Act of Parliament authorising the taking away of the property. The difficulty of applying those principles in a country like Ireland was best seen by taking a concrete case. There was no doubt one of the first acts of the Irish Legislature might very reasonably be expected to be the passing of an Act making it compulsory on owners to sell their fee-simple to their tenants. Supposing that the majority of the Irish Parliament assented to the passing of an Act saying that the owner of land might be bought out by his tenants at a certain number of years' purchase of his judicial rent, would that Act be void or not? To what extent would it be void, and what tribunal was to say it was within the competence of an Irish Parliament to decide how many years' purchase was a just compensation for the owner of the land? Would it be the Exchequer Judges, or would an owner actually have to go to the Privy Council in order to say how many years' purchase should be given him in each case, so that the requirements of this vague section might be complied with? He thought they ought to have some light thrown on the way it was to be worked in practice. Take another case—that of fishery rights, which in some parts of Ireland had produced large sums to the persons owning them. No

doubt there were large numbers of persons who would like to enjoy these fishery rights as public rights, and who would not be willing to pay a large number of years' purchase for them. Would an Act appointing as arbitrator—to decide at his own discretion what the compensation should be—a person in sympathy with those who wanted to buy up the rights be void or not? Again, suppose an Act was only void in so far as the amount of compensation was concerned, would the property be allowed to be taken and the owner left to his remedy at law to have the amount of compensation fixed? If the Act worked in that way they would have no proper protection for property under this clause, but only unlimited uncertainty and confusion. The Amendment was a suggestion for a definition directly founded on an explanation given by the only Member of the Government who had hitherto explained what just compensation meant. On the Second Reading Debate the Solicitor General said—

“If compensation meant simply what compensation the Irish Legislative Body choose to provide, I could understand that a safeguard would be absolutely illusory. But just compensation must be measured by what the Irish and English laws at the present time think to be just; and it would be within the competence, and would be the duty, of every tribunal, from the highest to the lowest, to give such effect to the clause as to render absolutely illegal and void any provision in an Act of the Irish Legislature infringing the fundamental laws of justice.”

The hon. and learned Gentleman was asked who was to decide what the law of justice was in a particular case, and he replied that the Courts of Justice would decide as they decided upon the construction of every Act of Parliament, and he went on to say—

“Justice would be determined by the principles of English law. However august or humble a tribunal might be, the standard it would have to take would not be any theory derived from its own conscience, but the standard set by the existing law, and it would be its duty not to depart from it by one jot or tittle.”

That explanation at the time was accepted as a fairly satisfactory explanation, because it gave them to understand that the standard of justice would be that set by the existing law. But doubts had since arisen as to whether the existing law, which was well settled both in

Ireland and in this country with regard to the principle of compensation, might not be altered at any time by an Act of the Irish Legislature. What were to be the fundamental principles of justice? Were they to be laid down by this Imperial Parliament, in which they had reason to believe Ireland would be fully represented in future, or were they to be settled by the leaders of the majority in the future Irish Parliament—gentlemen who had taken an extreme view on the Land Question; and, after all, the real significance and importance of this clause was connected with the Land Question. Were they to leave the determination of this question to those who supported the “No Rent” Manifesto not many years ago, or were those who had expressed strong views as to landlords being entitled to the prairie value of the land to fix the amount of just compensation? He ventured to think it would be preferable to the Committee to accept his Amendment rather than leave the subject in the vague way in which it now stood in the Bill. It was quite true his Amendment to some extent stereotyped the principles of compensation so far as the Irish Parliament was concerned; but these principles had been pretty well settled during the last 50 years in this country and Ireland by decisions of the tribunals, and had been nearly uniformly adopted in the Acts that had since been passed. If they were going to depart from these well-settled principles of justice, let it be by the act of this Imperial Parliament, and let those principles of justice in the strong case of taking away a man's property against his will be rather settled by the one legislative tribunal, in which all parts of the United Kingdom were to be represented than by the tribunal given by the new Irish Legislature. Under Clause 9 as it stood, it would be perfectly easy and proper for the 80 Irish Members to move that, in case any amendment of those principles of compensation were carried in the Imperial Parliament, such amendments should also apply to Ireland, and it would be very difficult for anyone to object to that extension; because if they altered those fundamental principles of justice in one part of the Kingdom, they could hardly contend that these alterations ought not to be made in all parts. He considered,

whether the Government accepted his Amendment or not, they must do something further to define these words. They should not be satisfied with being told they could not and ought not to be defined. He hoped, therefore, the Government would without delay do what they did with some delay the other day in a similar case when they defined “due process of law,” and consent to insert some words defining exactly what was meant by “just compensation.”

Amendment proposed,

In page 2, line 33, to leave out the words “just compensation,” in order to insert the words “such compensation as he is at present by law entitled to.”—(*Mr. Henry Hobhouse.*)

Question proposed, “That the words ‘just compensation’ stand part of the Clause.”

*THE ATTORNEY GENERAL (Sir C. RUSSELL, Hackney, S.): The hon. Member has with his accustomed clearness conveyed to the Committee in a way that will not be mistaken the object of his Amendment and the grounds upon which he advocates it. But upon the part of the Government I have to say, in the first place, that we conceive the clause to be adequate for the purpose intended, and, in the next place, that the substitution proposed by my hon. Friend would, as he admitted, stereotype the rule upon the matter of compensation, which, in our judgement, it would be undesirable to do. Again, I must beg to recall the Committee to the position in which this Amendment stands in relation to the clause. The clause with which we are dealing is one which imposes restrictions upon the power of the Legislative Body to make laws, and we, in the sub-clause in question, provide that the powers of the Irish Legislature shall not extend to the making of a law which does not provide that where property is taken there shall be just compensation. Now, surely that is an enunciation of principle—clear, distinct, and unambiguous. My hon. Friend asks who is to define what is just compensation? The answer is, that as in every other written Constitution the construction must be for the decision of the judicial tribunals of the country. This is, in effect, a written Constitution, and I have to answer my hon. Friend's question in this way: He

put the case of the Irish Legislative Body passing an Act for the taking of private property without just compensation to the owner of the property so taken, and he asked the question whether that Act would or would not be null and void; and who were to determine the question. My answer to the first question is, that if it were determined that the compensation provided was not just, the Act would be null and void.

MR. H. HOBHOUSE: The whole of the Act?

SIR C. RUSSELL: The provision dealing with the matter of compensation, and those other provisions which depended upon and were connected with it. There might be other provisions which might have an independent existence apart from that question.

MR. H. HOBHOUSE: The land would not be taken?

*SIR C. RUSSELL: If the Act is declared to be null and void the land cannot be taken. Then my hon. Friend asks who shall determine that question in the first instance. The question might arise in any ordinary private litigation in the ordinary Courts of Justice. But Clause 19, Sub-clause 4, has a special provision in which any person affected has the right to bring the matter before the Exchequer Judges, and there is an ultimate appeal to the Privy Council in this country. So much as regards the two questions of my hon. Friend. Now, as to the stereotyping, which is the second objection to this proposal. There are few persons who know the history of the Lands Clauses Act who are not aware of the enormous change that has taken place in the scale of compensation paid to owners of land taken for public purposes between 1845-46 and the present time. A Committee of the House of Lords which considered this matter and reported upon it went the length of recommending that in cases where land was compulsorily taken there should be a provision in the Lands Clauses Act by which, in addition to the value of the land, there should be a compulsory allowance of, I think, 100 per cent., because of the owner being compelled to sell the land. Those who have had much to do with this question of compensation will recollect there has been a gradual descent from those figures. I have known 20 per cent. given by way of a

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compulsory allowance; but at the present day there is an almost uniform allowance—against the justice of which many people are found to protest—of 10 per cent. Again, there is another question looming in the not very remote distance. Take the question of betterment, a principle which has received the sanction of a Parliamentary Committee of the House of Commons. That may be the law of the Imperial Parliament, or it may not be the law of the Imperial Parliament. It may be the law of the Irish Parliament, and may be considered to be perfectly consistent with just principles that if a man, part of whose land is taken, receives indirectly a benefit from an undertaking in respect to other land which goes a long way to meet, if not wholly to meet, the injury he receives in respect of the portion of the land taken away, such case shall be met by the future state of the law, and it would be a perfectly just consideration to take into account when fixing that compensation. I pronounce no opinion upon that point—it is not necessary to do so—but I submit I have said enough to justify the objection that the effect of this Amendment would be to stereotype the law. For the reasons I have given we cannot accept this Amendment.

SIR E. CLARKE (Plymouth): The answer of the hon. and learned Gentleman the Attorney General may be a sufficient one; but it is, I think, somewhat technical. I do not propose to examine the objection that the effect of accepting these words would be the stereotyping of the present system of compensation and the preventing of any amendment or improvement of that system. There may be something in that; but my hon. and learned Friend has, I think, missed the gravity of the case. The point made against the proposal before the House—and I do not think the section and sub-section to which the Attorney General referred in a later part of the Bill will help the Committee over the difficulty—appears to me to be a serious one. It is said that in this Sub-section 5 there is a limitation of the legislative powers of the new Irish Parliament, that they shall not pass any Act by which private property may be taken without just compensation. The question at once arises who is to be the judge of the justice of the compen-

sation; and I cannot find in my hon. and learned Friend's speech, or in any clause of the Bill, any answer to that at all. It might, of course, be the Legislature that passed the Bill. Suppose a Bill were to be passed through the Irish Parliament dealing with the expropriation at once of certain persons, whether holding agricultural land or not, and providing a particular standard by which compensation was to be given. Suppose, for instance, they said that no allowance whatever was to be made for compulsory purchase, or for the compulsion that was being exercised. Who would decide whether that was just or not? This House has never yet decided against an allowance for compulsory purchase—[Sir C. RUSSELL: Nor in favour of it]—nor do I think it is likely to do so. It has accepted a plan which has been in operation for some years, the history of which is slightly different to that given by my hon. and learned Friend. The fact is that the allowance of 10 per cent. was first arrived at by two distinguished counsel who used to appear against one another in appeals under the Compensation Act, and that compensation of 10 per cent. was agreed upon to avoid the discussion which would necessarily have taken place in every case as to the injury a man would sustain by being disturbed in his occupation and compelled to find a fresh investment for his money; and although 20 per cent. was agreed upon in the case of agricultural land, I have never known more than 10 per cent. given in other cases. It has been a rule which has been accepted, and having now, no doubt, the authority of the law. But suppose the Irish Legislature was to say no allowance should be paid for compulsory purchase at all, who is to decide whether that is a just law or not? My hon. and learned Friend says we find in Section 19, Sub-section 4, the statement that it will have to be decided by the Exchequer Judges. That sub-section is as follows :—

“All legal proceedings in Ireland, which are instituted at the instance of or against the Treasury, or the Commissioners of Customs, or any of their officers, or relate to the election of Members to serve in Parliament, or touch any matter not within the powers of the Irish Legislature, have not power to repeal or alter, shall, if so required by any party to such proceedings, be heard and determined before the Exchequer Judges.”

The question is only to be brought before the Exchequer Judges if it “touch any matter not within the power of the Irish Legislature.” So the effect would be that if these vague words are left in the sub-section with which we are now dealing a law might be passed by the Irish Parliament affecting the compensation to be given in a case of expropriation, and nobody would know whether that law was good or bad until you had been able to bring it before the Irish Exchequer Judges, and in the case I have referred to there is no provision by which it could be brought before the Irish Exchequer Judges—no process open to the persons affected. To leave this word “just” in the clause would be to invite difficulties, and to leave it ambiguous whether that justice was to be decided by the Parliament of Ireland or by the Exchequer Judges. I mentioned these difficulties at an early part of the discussions, and my hon. and learned Friend said “just” meant according to well-established rules of justice. But enlarging the phrase gives no guidance to its meaning or enforcement; and as the case now stands I point out to the Committee that there is an ambiguity on the face of the clause, and some words will require to be added in order to clear it up.

VISCOUNT CRANBORNE (Rochester) desired to say a word or two upon this Amendment as he had one upon the Paper dealing with the same subject. If there was any real force in the contention of the Attorney General that this Amendment would stereotype the law in Ireland he thought it would be found by the hon. and learned Gentleman that his (Viscount Cranborne's) Amendment was not open to the same objection; but within certain limits left the Irish Parliament to legislate as they pleased, the limit being that in such cases of expropriation the amount given as compensation must be not less than that which would have been given by the Common Law of Ireland as modified by any Act of Parliament. The Attorney General entirely passed by all that interesting portion of the speech of the hon. Member for East Somerset which dealt with the American Constitution; and it was amazing, the Attorney General having himself said that this would be a written Constitution, that he did not think it worth while to pay attention to

the successful Constitution to which the Mover of the Amendment alluded. That hon. Member showed that in the American Constitution the scope of these words included not merely the expropriation of owners for public purposes, but positively of private owners for the purpose and advantage of other private individuals. There were other matters on which the American Constitution was far less sweeping than the Bill of the Government—namely, and the question of contracts *ex post facto* laws. The interference with contracts and *ex post facto* laws were altogether excluded from the American Constitution; but they were not excluded from the present Bill, therefore on this question of compensation points would arise which could not arise in the case of the American Constitution. The Attorney General, however, did not deal with any of these topics. He seemed to treat the whole question as a small matter, and to argue that the Amendment ought not to be accepted because the Irish Parliament might adopt the betterment principle. It was playing with the House of Commons to treat them in that way. They knew perfectly well that the kind of proposal that was in favour in Ireland was far more sweeping than the Betterment Clauses of the London County Council. But what they were afraid of was confiscation by the Irish Parliament for the benefit of the tenants or other people. There was one question which would probably attract the attention of the Irish Parliament, and that was migration from one part of Ireland to another; for proposals had often been made by Nationalist gentlemen that large grazing farms should be compulsorily seized in order to provide holdings for the distressed population of the West. How were eminent Judges to determine what was just compensation in such cases? He recollected that on a former Amendment the Law Officers of the Crown pointed to the words “principle and precedent.” He did not know whether they were willing to insert these words in respect of compensation as they did in respect of due process of law. He submitted that even if they were it would not be sufficient, because what were the principles of Irish land legislation in the past? Was that what the Judges would have to look to? He did not desire to

take a strong Conservative line at the present moment, but he desired to speak to the moderate Members of the House of Commons. He would not, therefore, trouble the House with any hasty views of his on past land legislation by the right hon. Gentleman the head of the Government; but he would say this—it would be extremely difficult for a Judge or anybody else to definitely lay down the principle on which the Land Act of 1881 and the Arrears Act which followed were passed into law. They might say, without offence, that the policy which led to the passing of these Acts constituted a progressive diminution of a landlord's legal rights. Under the Land Act of 1881 about one-third part of the landlord's rights was taken from them, and perhaps the Irish Legislature would propose to take away another third. Upon what principles of law or common sense were the Exchequer Judges or the Medical Committee of the Privy Council to decide when the Irish Legislature had passed the boundary which separated legal justice from injustice? It would be impossible for the Judges to have any conception of what the Legislature intended by just compensation. He, therefore, submitted to the Government that some words of definition were necessary. When the Attorney General spoke of the rigidity of the Amendment he thought the hon. and learned Gentleman was going to accept words in the nature of those he (Viscount Cranborne) had put on the Paper. There was not a Member in the House who did not believe that the Irish Legislature would try to pass an Act still further to diminish the rights of the landlords. He did not believe that the followers of the Government in their hearts were desirous of committing a grave injustice. He would ask them to consider the provisions of the Bill, and if they were honestly convinced that the proposed safeguards would not protect the landlords they would be bound, in spite of Party ties, which they were prone to follow only too closely to support the Amendment.

*MR. HARRINGTON (Dublin, Harbour Division) said, the noble Lord seemed to have a great deal of sympathy for the Judges who were to determine the question of just compensation, but he wanted to force the hands of the Judges

by laying down a standard they could not vary from. He was surprised that the Mover of the Amendment thought there was any safeguard whatsoever to the Irish landlords in his proposal. Surely the standard value of land was not fixed at the present time, but varied according to circumstances, and the Amendment gravely proposed now, and on which so much time had been occupied, sought to lay down a fixed standard which was not now the law in England, and could not be, and to deprive the Judges of all discretion into taking into consideration the circumstances of the case. He would remind the noble Lord this was not altogether a landlord's question. The noble Lord judged the question altogether from an English point of view, but there were also numerous tenants in Ireland who had recently purchased their holdings, and who were themselves in the position of landowners, and the best security both for them and the landlords was to allow the Judges to be the valuers of the land and to take into consideration all the circumstances of the time and place. As the tenants in Ireland who became the owners of their holdings increased so would the number of persons who would be able to protect the right to "just compensation" be largely on the increase, and the noble Lord might be sure there was little danger of the Irish Parliament running in the direction he alluded to, or confiscating the property of landowners or other people in Ireland without compensation. He thought the tendency would be rather the other way, and it would be found that a large body of people in Ireland would be deeply interested in seeing that fair compensation was given. It seemed to him that if the Government, instead of the clause which was in the Bill, had moved a clause similar to the Amendment of the hon. Member they would then have had an Amendment just in the direction of the clause as the Opposition were determined to have an argument and discussion either one way or the other. The clause was infinitely better than the Amendment. What they (the Irish Members) objected to in these Amendments was this system of endeavouring to beget litigation. There seemed to be a desire to bring the future Government of Ireland into continual collision with the

Courts of the country, and to enable gentlemen in Ireland, who were not in sympathy with any form of National Government, to be constantly setting snares for the National Parliament, and calling the Courts of Law into requisition.

*MR. COURTNEY (Cornwall, Bodmin) observed that the action of the Government themselves showed how serious this matter was. One of the clauses in the Bill provided that for three years the Irish Legislature should not be able to deal with the relations between landlord or tenant, or deal with the question of land legislation. This Provision dealt with the same matter, and would survive those three years; and if the matter was so grave that, for three years, it was to be withheld from the power of the Irish Parliament, surely it was necessary that they should have this matter so strictly defined that, after those three years had passed over, the Irish Parliament should not be able to commit injustice. The hon. Member for the Harbour Division of Dublin spoke of this Amendment as being designed to provoke litigation, and increase the possibility of conflict between the Irish Legislature and the Courts before which the Acts of that Legislature might be brought. He was afraid that, whatever they did, there would be too abundant opportunities of that kind. It was inherent in the subject-matter of the Bill that such litigation must be frequently provoked, and the action of his hon. Friend who moved the Amendment was directed, not to amplifying, but to limiting, the opportunities of such litigation by laying down more strictly for the guidance of the Legislature, and more clearly for the guidance of the Court, the conditions under which they could proceed. The whole question turned upon this matter of just compensation. Property was to be taken only upon condition of just compensation, and the Irish Legislature were not to be entitled to pass any Act which should interfere with that principle. The hon. Member for the Harbour Division, to show the impossibility of the Irish Legislature doing any act which would involve the taking of land without just compensation, asked them to consider what had been done in multiplying peasant proprietors in Ireland, and had said that, as they were the people who

would control very largely the action of the Irish Legislature, they would see very clearly that their interests would not be very injuriously affected. But, numerous as that class was, there was another class of landowners whose property had not been sold to occupying tenants, and it was probable that very serious legislation would be proposed in the Irish Legislature affecting that class. He was not at present prejudging the question as to whether such legislation should or should not be dealt with.

*MR. HARRINGTON: This class are themselves in the category of landlords, and any class of legislation affecting landlords would affect this class.

*MR. COURTNEY said that, although the name of landlord applied to both, the legislation of which he spoke would not affect that class to which the hon. Member referred at all. They were speaking of the compulsory expropriation of the landlords demanded by a great class in Ulster; and how would the feelings and interests of the peasant proprietors to whom the hon. Member had referred operate to control the Irish Legislature and prevent them imposing upon these greater landlords terms which could not be considered to be just? The Attorney General said it would be easy for anyone to bring the matter immediately before the Exchequer Judges and to get their opinion as to the compensation, and if such compensation were not just the whole proceeding would fall to the ground. But he failed to see, in the machinery to which the Attorney General directed attention, the means of carrying it out. That machinery was to come into operation when the Irish Legislature dealt with matters with which it had no power to deal, not when it abused the powers conferred upon it. The Solicitor General, at an earlier stage of the Debate, stated that "just compensation" was compensation which was just, according to the ideas of our present time, when the Bill should become law; but that was a very vague criterion, and he thought some words should be introduced --if not those of the hon. Member then some others--to give greater precision of definition to the compensation to be given. The phrase in the clause was too vague to be of any value, and a

much closer definition should be introduced for the guidance of the Legislature and the Court. In default of better words those which had been proposed by the hon. Member for East Somerset deserved attention, because he wished to have a strict definition. Some more definite words than those in the clause were absolutely necessary.

*SIR J. RIGBY (who was received with cries of "Divide!"): In answer to the hon. and learned Member for Plymouth and the right hon. Gentleman the Member for Bodmin I desire to say a few words. ["Divide!"] We have got here an enactment that the powers of the Irish Legislature should not extend to any law whereby property may be taken without just compensation, and that, therefore, it is not within the power of the Irish Legislature to make any such law. In the sub-section which has been referred to by the Attorney General it is provided that any matter not within the power of the Irish Legislature which is dealt with by the Irish Legislature is null and void. It is certainly not within the power of the Irish Legislature to sanction the taking of land without just compensation. That is perfectly plain, and there can be no doubt on the point. ["Divide!"] If a person feels aggrieved he can go to the Exchequer Judges, and there is an ultimate appeal to the Privy Council. There is power given in other clauses to the Secretary of State or the Lord Lieutenant to send a question at once to the Privy Council; and if it were a matter of great public importance we might expect that to be done. By another clause of the Act Her Majesty may receive a Petition from any person aggrieved, and has full power upon a Petition of any aggrieved person to send it to the Privy Council, even if the Lord Lieutenant or Secretary of State do not proceed. Now, as to the question of just compensation. [*Cries of "Divide!" and interruption.*] There is no fixed direction or rule. We must arrive at a result according to what is just. I will take a case which I do not put forward as a probable case. [*Cries of "Divide!"*] Suppose the Irish Legislature said that the "just compensation" in a certain case should be one-half the value. It is perfectly obvious that that would be an unjust compensation, and any tribunal to whom the matter might

be referred would so hold. The Judges have perpetually to deal with cases quite as difficult as this, and I only need say one word in reference to what has been said as to the American Constitution, and that is that I never heard of a case in which the Judge complains that the Constitution has left to him the task of construing Acts of Parliament.

SIR J. GORST (Cambridge University) (who was met with cries of "Divide !"): I will not detain the Committee. I only rise to point out to the Committee the very unfavourable circumstances under which this discussion is carried on. Gentlemen who have not been present at the discussion come into the House, and when the hon. and learned Solicitor General rises to meet a difficulty which has been raised by the opponents of the Bill he is met with loud cries of "Divide !"—[*Cries of "Question !"*—from the supporters of the Government; and when, in the course of his speech, he says he will give an illustration to make his meaning more clear, he is met by the rude interruption of "We do not want your illustration."

MR. CONYBEARE (Cornwall, Cambridge): I beg to ask you, on a point of Order, Mr. Mellor, if these remarks have anything whatever to do with the Amendment before the Committee?

THE CHAIRMAN: The right hon. Gentleman had risen to a point of Order, as I understood him.

SIR J. GORST: I rose to call your attention and the attention of the Committee to the conditions and circumstances in which this Bill was being discussed. I was saying it was impossible for the Government—"Divide !"—to explain to the House and the country the propositions they brought forward in consequence of the interruptions of their own supporters.

Question put.

The Committee divided:—Ayes 290; Noes 258.—(Division List, No. 152.)

THE CHAIRMAN ruled that the following Amendment would come more appropriately under Clause 32:—

Page 2, line 33, after "compensation," insert "provided that no law shall be passed by the Irish Legislature abrogating or prejudicially affecting the right of appeal from the Irish Courts to Her Majesty the Queen in Council, as hereinafter provided by this Act."—(*The Marquess of Carmarthen.*)

The following Amendment was ruled out of Order:—

Page 2, line 33, after "compensation," insert "being not less than would have been given by the Common Law of Ireland, or by any Act of Parliament varying the law."—(*Viscount Cranborne.*)

MR. CARSON (Dublin University) rose to move—

Page 2, line 33, after "compensation," insert "or whereby proceedings by petition of right may be altered or abridged."

He said he was aware, from observations that had been made to him by more than one Member, that an impression prevailed that in bringing before the Committee this question of procedure by petition of right he was introducing a matter that was somewhat obsolete, or was some unusual process. He ventured to assure the Committee that petition of right was an ordinary every-day remedy, and the only remedy in certain cases. As the law at present stood, so far as he was aware, the only method of litigating a dispute with an Executive Government deriving authority from the Queen was by petition of right. In other words, in relation to a dispute with an Executive Government, the subject could not bring an action against that Executive Government; and, therefore, in the event of the Bill becoming law, as the Executive in Ireland which they were about to set up would be an Executive deriving its authority direct from the Queen, it would be impossible, in the event of a dispute arising between a subject and the Executive Government, to bring an action in relation to such dispute, save and except by the process known as petition of right. His Amendment, therefore, aimed at preventing the Irish Legislature from having the power of altering or abridging the only process existing by which a subject could contest his rights as against the right of the Executive they proposed to set up in Ireland. Matters in relation to petitions of right arose in this way—it was a fiction of our law, or a fact of our law, if they pleased, that the Queen could do no wrong; and as the Queen could do no wrong, the Executive, which derived its authority from the Queen, could do no wrong either, so that, therefore, no action could be brought against an Executive Government. But the same fiction that gave rise to the maxim that

the Queen could do no wrong also gave rise to this—that if wrong were inflicted on a subject by the Executive Government, the proper mode to seek a remedy was to refer the matter, by supplication, to the Queen, and in that way have justice done. A petition of right was, therefore, simply a petition to the Queen asking that justice should be done in relation to a matter arising between a subject and the Executive Government. Matters of the kind arose in many cases. The most ordinary cases were cases in which subjects complained of damages arising in one way or other out of contracts entered into by the Government for carrying on the business of the country. If his Amendment was carried, all these matters would be left as they had been settled by Act of Parliament. The Irish Act of Parliament in relation thereto was long subsequent to the English Act; but under it actions in dispute between the subject and the Executive in exclusively Irish matters could be brought by petition of right and prosecuted in the Irish Courts. He had put down a subsequent Amendment, leaving all disputes that might arise hereafter between the Executive in Ireland and the subject to be litigated in the same way. The Committee would see that if they gave to the Irish Government the power of altering this procedure by petition of right they would be really giving one of the litigating parties in disputes between the subject and the Executive Government the power of altering the procedure for the trial of the disputes, and such a course would be absolutely absurd and unjust. The case of Sir Thomas Brady, who recently proceeded by petition of right in the Irish Courts against the Executive for depriving him of his office, was an illustration of the disputes between subjects and the Executive Government which would inevitably arise if the Bill became an Act of Parliament. There was no process, except petition of right, by which a subject could seek redress in such cases, and it was to secure that procedure to the subject in Ireland under an Irish Government that he moved his Amendment.

Amendment proposed,

In page 2, line 33, after the word "compensation," to insert the words "or whereby proceedings by petition of right may be altered or abridged."—(*Mr. Carson.*)

Mr. Carson

Question proposed, "That those words be there inserted."

*SIR J. RIGBY: I quite agree that it would be a serious defect in the Bill if it were left to one of the, possibly, litigant parties to do away with the process by which the other sought a remedy; but, inasmuch as this is a question involving the honour and the dignity of the Crown, it ought not to be forgotten that the Crown's consent must be given to such a Bill of the Irish Legislature before it can become law. But there are other reasons why this Amendment should not be accepted. The effect of it would be that you would have a stereotyped procedure for petitions of right, and the Irish Legislature would have no power of improving that procedure in regard to ordinary matters. The hon. and learned Gentleman is under a misconception in what he said with regard to the Executive deriving its power from the Crown. There is no use made of that petition of right in, I think, any of the Australian Colonies, in New Zealand, or in the Straits Settlements. In most of our Colonies the petition of right no longer exists. And why? Because they have initiated a much more convenient and a much more beneficial system which it would be well to adopt here, and which the Irish Legislature would do well to adopt. That is to say, that when a claim is made against the Executive a Minister is named as defendant, and is sued, though he really represents the interest of the Crown as an ordinary litigant. If this Amendment were accepted the Irish Legislature would be prevented from altering the procedure in petitions of right, and they would be prevented from adopting the modern and most beneficial mode of dealing with Crown actions.

MR. A. J. BALFOUR (Manchester, E.): The hon. and learned Gentleman appears to have expressed, on behalf of the Government, on this question of the rights of the subject suing the Executive Government, a preference for the more direct method adopted in the Colonies than for the procedure of petition of right which prevails here. Am I right in saying so?

SIR J. RIGBY: I said that the Colonies have adopted a more direct procedure, and that I think, personally, it is a better one than ours.

MR. A. J. BALFOUR: Am I to understand that in a later stage of the Bill the Government proposes to introduce that innovation?

SIR J. RIGBY: We are not dealing now with the details of the procedure.

MR. A. J. BALFOUR: Then I understand that in this case, as in other cases, though the Government really admire such a procedure, they are not going to adopt it. We must, therefore, discuss that question on its merits. My hon. and learned Friend showed, beyond all doubt and question—indeed, that part of his speech was not questioned by the Solicitor General—that the rights of the subject as against the Executive depend, and depend solely, upon this petition of right. How, then, are those elementary rights to be preserved under the proposed Irish Parliament? The only answer given is to trot out again our old friend, the veto. It is the veto, and the veto alone, that is to be the sole bulwark between the subject in Ireland and the unrestrained power of the Executive Government. I would make two observations on that argument. The first is that, if the hon. and learned Gentleman thinks the veto a sufficient safeguard for every subject in every emergency, why insert in the Bill any other safeguard at all? My second answer is that by common consent, if this Bill is intended to be a working measure, and if it is not a mere subject for academic discussion in this House, our object ought to be to relieve the Lord Lieutenant of functions which, if the Bill ever becomes law, would be too weighty for any single individual to carry out. Therefore, when the Government say that this thing should not be allowed, and that the proper person to prevent it is the Lord Lieutenant, I say that to prevent friction and lighten the responsibility of the Lord Lieutenant it would be a proper and statesmanlike course to introduce your limitation into the clause itself. The hon. and learned Gentleman opposite says that this right of the subject for a remedy against the Executive ought to be reserved, and he goes the length of saying it ought even to be extended—because he prefers the Colonial method, which does extend it—and yet with all these interesting academic views as to what the Irish Parliament ought or ought not to do, he is not prepared to introduce into the

clause half-a-dozen words which would put the thing beyond question, and relieve the Lord Lieutenant of responsibility in determining the matter. I can understand the action of the Government in resisting Amendments touching the essential elements of the Bill. They, of course, are matters we must fight out; but why, in order to save time and render the measure more complete, they do not adopt an Amendment which will affect an object they desire, passes my imagination.

*SIR C. RUSSELL: The right hon. Gentleman has not really done justice to the hon. and learned Gentleman who sits near him, and who has proposed this Amendment. The fears of hon. Gentlemen on that side rise very high; but they have not yet risen in the case of the hon. and learned Member for the University of Dublin—to the point of supposing it possible for an Irish Legislative Body to pass a Bill which would run thus—"Hereafter no British subject shall be at liberty to petition the Crown." The right hon. Gentleman the Leader of the Opposition has misread the Amendment, and, therefore, has misunderstood the arguments of my hon. and learned Colleague; because this Amendment does not prevent, or seek to prevent, the Irish Legislative Body from putting an end to the right to petition. It never entered into the mind of the hon. and learned Member for the University of Dublin that such a Bill would be proposed for the acceptance of the Irish Legislative Body, or that if introduced it would ever, possibly, receive the sanction of the Lord Lieutenant. All this Amendment deals with are "proceedings" by petition—the question of altering or abridging the proceedings.

MR. A. J. BALFOUR: Abridging?

SIR C. RUSSELL: Abridging is shortening. Why should not the proceedings be altered? The point of the Amendment is "proceedings." It is not that the right to petition is not to be taken to be upheld, or that it is to be sought to be taken away, but that the Irish Legislative Body shall not alter or abridge proceedings.

MR. CARSON said he did not understand the object of the speech of the hon. and learned Gentleman. The object of putting down an Amendment that they

were not to alter or abridge proceedings by petition of right was obviously to provide that the petition of right should stay as it was. The proceeding by petition of right was the proceeding of petition of right. The petition of right was in itself the proceeding. What else was it? It was the proceeding of commencing an action against the Queen. If that was altered or abridged the whole petition of right was no good. If they did not carry it on by petition, how else were they to carry it on unless they substituted some other process? The hon. and learned Member had given no answer whatsoever to the arguments which had been adduced. He had tried to draw a kind of technical distinction between proceeding by petition of right and petition of right itself, but had not attempted to refute the arguments brought forward. The Solicitor General had said that the Amendment would prevent an alteration in the procedure in the Courts; but that was not the case at all. If a petition of right under the Act of Parliament in force was valid it went to the Imperial Courts. The Act contained the words—

“The procedure of the said Courts for the time being in reference to such actions.”

Therefore, the proceeding known as a petition of right having been taken, and the *fiat* of the Queen having been obtained to come into Court, it became an ordinary action, and the procedure was not that of the time of the passing of the Act, but that of the time of the adoption of the petition. It was of no use in trying to ride off on side issues. The matter to his mind was clear, and he should like to know if the Committee were to rest satisfied with the Attorney General's statement that the question was only one of procedure?

Mr. ROSS (Londonderry) said, the Government were creating in Ireland an Executive that would be hostile to a very powerful portion of the population. Therefore, it was clear that disputes must, in the natural course of events, arise as between the subject and the Executive. But the only method by which these disputes could be adjusted was to be kept under the control of the Irish Legislature, who would be one of the parties to the disputes. He submitted that men should not be allowed to sit as judges in their own case. The

argument of the Solicitor General as to the Amendment stereotyping the procedure had been answered by his hon. and learned Friend (Mr. Carson) reading an extract from the Act of Parliament. What was the answer of the Government? That of the Attorney General was a great deal too narrow, so that the Opposition were without any answer.

*Mr. T. SHAW (Hawick, &c.) said he desired to say a word as to the Scotch procedure on this matter. He observed that no speaker who had addressed the Committee on the Amendment had uttered a syllable of admiration of the procedure by petition of right. He himself had no admiration for it at all. He thought it an antique, clumsy, and useless method of procedure. The object of the Amendment was to prevent the alteration by an Irish Parliament of procedure by way of petition of right, although it stood confessed that that procedure was expensive, clumsy, and altogether inadequate and useless. There was no proposal in the Bill or clause to affect or alter in any way this procedure. The proposal to involve or entangle the clause with the question of petition of right came from the other side. What they had on the North of the Tweed was a simple and logical system, whereby, when the Executive Government entered into any contract with a subject of the Crown, then that Executive was bound to answer in respect of that contract, the same way that any subject of the Crown would be bound to answer. Actions were brought every day against the Lord Advocate as representing the Board of Works, the Woods and Forests Department, the Board of Manufactures, and so on. There was no petition of right in these cases; and he submitted that if a Parliament were established in Ireland, one of the best things it could do in this department would be to simplify the present procedure by petition of right. He regarded the Amendment as useless, dealing with a subject not infringed upon by the Bill; but if the Irish Parliament could in any way have the power of dealing with the matter it should have the right to alter a clumsy, expensive, and ridiculously useless procedure. They should have the power of bringing that more into accord with the jurisprudence of Scotland.

*MR. GRAHAM MURRAY (Bute-shire) said, the hon. Member who had just sat down had forgotten one little fact which made a good deal of difference in his argument, and that was that although it was quite true there were actions every day against the Crown, and though the Crown was represented by the Lord Advocate in Scotland, the reason that the Crown was so represented was because there were special Statutes bearing on the question. As he understood the Mover of the Amendment, he would be quite willing to accept words to prevent the stereotyping of a form of procedure in petition of right. That offer was pointedly put by the right hon. Gentleman the Leader of the Opposition, but it was refused by the Government. What was desired was not the form but the substance of the Amendment. It was pointed out that the motto of Common Law was, "The King can do no wrong," and that the consequence of that motto was that if he could not proceed by petition of right the subject would have no remedy against the Crown. Those who supported the Amendment said—"Give us our remedy in one form or other, and if you do not go so far as the Colonies for a method, give us the Scotch system, and constitute some official—probably not the already overloaded Viceroy—the Representative of the Executive for the purpose of defending actions."

*MR. T. H. BOLTON (St. Pancras, N.) said, the question was whether the individual citizen who wished to bring an action against the Irish Government could do so. If the petition of right remained as at present, the procedure would be under the control of the Imperial Parliament; but, if not, the Irish Legislature might prevent the individual citizen from appealing against its decisions. The Government answered that resort could be had to the veto. That, he had understood, was ordinarily to be exercised by the Lord Lieutenant under the advice of the Irish Government. Naturally, the Irish Government would be disinclined to exercise the veto for the purpose of forbidding an Act of the Irish Legislature. If the Irish Legislature could exercise control over procedure of petition of right it could deprive petition of right of its full force and effect—[*Cries of*

"Divide!"] The rights of the citizen should be made effective as in the United States by giving a direct personal power of appeal, and the mode of appeal should not be under the control of one of the parties to the proceedings.

Question put.

The Committee divided:—Ayes 164; Noes 201.—(Division List, No. 153.)

THE CHAIRMAN: The next Amendment is not in Order.

MR. HANBURY (Preston): May I, on a point of Order, explain what the Amendment really is, and ask respectfully for the reason why it is ruled out of Order—

THE CHAIRMAN: I can tell the hon. Member at once that the Amendment is out of Order, because its principle has been already decided by the Committee.

MR. RENTOUL, in the absence of Mr. Barton, moved to amend the clause by inserting in line 33, after the word "or," the words—

"Suspending or prejudicially affecting the right of any person to the writ of habeas corpus."

The Legislature it was proposed to establish in Ireland would admittedly be a subordinate Parliament; and it would, therefore, be improper to confer on it the right of suspending the habeas corpus, and of taking away one of the oldest and most treasured rights of Her Majesty's subjects. The privilege of habeas corpus was originally conferred in Magna Charta. It was enlarged and emphasized by the 25th Edward III.; but in the reign of Charles II., as the then existing law was availed of for political purposes, the granting of habeas corpus was rendered compulsory in the case of every person imprisoned without cause being assigned, and also providing for the speedy trial committed for treason or felony. A considerable number of enactments had been passed, bearing in the same direction, and they knew that within their own memory—in fact not more than 10 years ago, the writ of habeas corpus was suspended by the Government of which the present Prime Minister was the head. What pressed on him (Mr. Rentoul) in this matter was that the Irish Parliament would always recall and, very justly, quote the precedent and example of the Imperial Parliament in everything they

might desire to do. This writ of habeas corpus had been suspended under George III. in 1829, and under Victoria in 1844 and 1883, and the reasons assigned had been the troublous condition of some of Her Majesty's dominions or subjects. He did not say that the Imperial Parliament had been wrong in this matter; but if because a portion of Her Majesty's subjects were disaffected, that was a justification for the suspension of the habeas corpus; if this Bill passed the Ulstermen would undoubtedly become disaffected subjects to the Irish Parliament, and what was there to prevent that Parliament—who would always follow the example and precedent of the Imperial Parliament when it was their interest to do so—from pursuing a similar purpose and suspending the habeas corpus in Ulster, particularly in regard to those who had laboured energetically against the establishment of an Irish Parliament, and who still opposed it? So that the people of Ulster ought to have from Her Majesty's Government a very distinct deliverance on this subject. The Attorney General was himself an Ulsterman, though perhaps, not an Orangeman, and, therefore, not liable to the same danger as many other Ulstermen—as for instance, the hon. Member for Mid Armagh (Mr. Barton). What would be more natural than that the Irish Legislature would say—"We will suspend the Habeas Corpus Act with regard to those persons who threaten that when a Government is established in Ireland they will try to upset it." The hon. Member for Mid Armagh would himself be hit by such action as that; therefore, he and many of those who acted with him desired that it should be made clear that their liberties should not be subject to the control and care of an Irish Parliament, but should be under the control of the Imperial Parliament. If it was necessary to insert clauses in the Bill tying the hands of the Irish Legislature in regard to education, religious endowments, and certain kinds of property, surely it was much more logical to tie its hands with regard to the much more important matter of personal liberty. If there had been no safeguards in the Bill at all, he should have felt himself unable to move an Amendment such as this. But they had a number of paper safe-

Mr. Rentoul

guards which were of no value at all. He would rather be without them—he would rather be entirely in the hands of the Irish Legislature, so that his very weakness might plead with the hearts of the Members of an Irish Government, than see a lot of sham safeguards adopted which would only have the effect of irritating the Irish Parliament, and filling them with a desire to persecute the people in whose interests those safeguards had been enacted. Again, if the hands of the Irish Legislature were tied in some respects, what would be more natural than that they should exercise to the fullest extent the powers left to them? Therefore, he would ask the Attorney General to justify, if he could, the policy of the Government in leaving this great power of suspending the habeas corpus in the hands of the Legislature from whom they had withheld so many lesser powers. He and other Ulstermen considered that this was of ten times greater importance to the loyal minority than any of the other safeguards, which were, for the most part, valueless. They would rather have the hands of the Irish Parliament free in matters of property, religious endowment, and education, than leave them full power over the liberty of the subject.

Amendment proposed,

In page 2, line 83, at end, to insert, "Suspending or prejudicially affecting the right of any person to the writ of habeas corpus."—(*Mr. Rentoul.*)

Question proposed, "That those words be there inserted."

***SIR C. RUSSELL:** This Amendment stood in the name of that most amiable and highly esteemed Member of the House, the hon. and learned Member for Mid Armagh (Mr. Barton), and I have been asking myself how it was that the hon. and learned Member did not discharge that task. I have not been able to get at a reason satisfactory to myself; but, probably, we shall hear it in the course of the discussion. Perhaps it is because the hon. and learned Member has publicly proclaimed that if the measure passes he will resolutely defy it. I think he valorously proclaimed it to be his intention to line some ditch or other. I do not exactly myself know what lining a ditch is; but

we shall learn all about it, I presume, when defiance is offered to the Legislative Authority created in Ireland by the Imperial Parliament. The hon. and learned Member does not himself move the Amendment, I suppose, feeling that he would be too much of an object-lesson in view of the attitude he intends to take up, assuming the distressing necessity should arise for lining the ditches in Ulster. The hon. and learned Gentleman opposite has made out a strong case for this power of suspending the Habeas Corpus Act being held in reserve by any Legislative Body responsible for the good government of Ireland. What does my hon. and learned Friend say? He says—"There is no use in concealing the matter; there is no use beating about the bush; Ulster is and always will be disaffected towards any Legislative Authority which may be established in Ireland by the Imperial Parliament." That is the measure of the loyalty of these particular subjects of the Queen—a loyalty which is quite a unique specimen. The hon. and learned Gentleman also says that it is very probable that it may be necessary, in order to preserve the peace in Ireland, that the Irish Legislative Body should have the right to suspend the Habeas Corpus Act. But though he himself has demonstrated that the necessity for the suspension of the Habeas Corpus Act may in all probability arise, by a curious effort at argument he lays it down that the Irish Legislative Body shall not have the power to deal with an emergency which he thinks may arise. Let me say, in all seriousness, that I really cannot rise to the level of the terrified apprehension of hon. Gentlemen who speak in the name of Ulster.

SIR H. JAMES: You do not live there.

*SIR C. RUSSELL: I agree I am not living there, but I have friends who live there. The argument is hardly worthy of my right hon. and learned Friend. If that argument is to be used—and it is one I would not have used—I might retort that the Mover of the Amendment is not living in Ulster; he resides in London, where he is pursuing a distinguished career at the English Bar, and I heartily wish him all possible success to which his talents entitle him. But, as I have said, I cannot rise to the level of these fears. I believe these fears to be

absolutely and wholly baseless. That there is a considerable amount of feeling in Ulster opposed to this change I recognise. I think it is perfectly natural. I can understand that a large community well-to-do or reasonably well-to-do—although I believe there have been suggestions on that subject also—would be disposed to say—"We are averse to change; we do not want to take what we regard to be a leap in the dark; the result is doubtful, and therefore we will not have this Home Rule."

MR. W. JOHNSTON (Belfast, S.): Hear, hear!

*SIR C. RUSSELL: That is the position which Ulstermen take up. I think they are wrong, but of course they are entitled to their opinions. My hon. and highly esteemed Friend opposite, the Member for South Belfast, has honestly persuaded himself that to give to an Irish Legislative Body the power of dealing with Irish affairs would be to give a Catholic majority power to oppress the Protestant minority, just as the ascendent minority tried in past times to oppress the Catholic majority. But the world has grown wiser. The world is more tolerant now on religious questions, and public opinion has a far greater and more wide-reaching force than it had in days gone by. But even if the modern tone and temper of mind on these questions were not, as I believe them to be, changed for the better, there is public opinion to be reckoned with; and if oppressive ideas possessed a Legislative Body, whether in Ireland, in Canada, in Australia, or at the remotest bounds of the earth where British rule and opinion prevailed, that opinion has too much volume to permit the oppression to be perpetrated. Why should there be those differences? What is there to divide Ulster from the rest of Ireland except these religious differences, which have been decidedly fomented, and accentuated beyond their natural growth? Outside influence has given to them a factitious importance, which cannot possibly be kept up, once all classes in Ireland understand that Parliament has decreed that their fate for the future is one, and that their interests are bound up indissolubly. So much for the religious question. What are the other possible questions on which differences might arise? The land. I agree as to the possibly extreme view

which the Irish Legislative Body may take on the Land Question; but there are adequate safeguards in the Bill against injustice. To say that the Ulster tenant farmers, whose one desire in the world is to acquire on just terms the ownership of their own farms, would rebel against the Irish Legislative Body, whose prime object would be, by legislation and by just means, to give the Ulster farmers that opportunity, passes the bounds of absurdity. I must apologise to the Committee for having been led to this divergence; but I was really driven to it by the argument of my hon. and learned Friend who moved the Amendment. As to the Amendment, the Imperial Parliament has again and again found itself justified in suspending the Habeas Corpus Act; and why should the Irish Legislature, which will be responsible for the peace and order of Ireland, be deprived in great emergencies of the use of a weapon which the wisdom of this Imperial Parliament has often resorted to? Is it to be said that when the emergency arises resort must be had to the Imperial Parliament? [*Cries of "Yes!"*] Then Parliament having made a great effort to rid itself of the burden of governing Ireland, and to give self-government to the Irish people on their own responsibility, is still to interfere in matters about the conditions and requirements of which it cannot be as well informed as the Irish Legislature? I have been treated—I will not say discourteously, but to such derisive laughter when I have referred to the safeguards in the Bill, that I am afraid to dwell on the safeguards for the restraint of the Irish Legislative Body should they attempt to resort to the suspension of habeas corpus without sufficient justification. I think the common sense of the Irish Legislative Body counts for something. There will be a minority in that body which will be the more powerful in proportion as the claims of Ulster to superior intelligence are well-founded.

MR. W. JOHNSTON: They will not be there.

SIR C. RUSSELL: My hon. Friend is not the dictator of Ulster. He does not know what will happen in the course of a few years. There will be a minority in the Irish Legislative Body—I do not say they will come exclusively from Ulster—which will be keenly alive to any

invasion of public liberty. Then, again, if the Irish Executive were to advise that such a Bill should be passed and the Legislature were to hurry it through when the circumstances of the time did not justify it, would not the attention of the Ministry of the Queen be called to the matter at once, and are not they empowered to give instructions to the Representative of Her Majesty not to sanction the Bill? Is not that a sufficient safeguard against the undue use of this power of suspension of the Habeas Corpus Act? We know that Acts of Parliament are not carried through by one branch of the Legislature in a day or in a month, and that sometimes they are never carried.

MR. CARSON: This Act has been suspended in a day.

SIR C. RUSSELL: Yes; I have known a case in which a Bill was carried through the House in a day. But that is a strong illustration of my argument, because it was a Bill directed to deal with a supposed great emergency, and it had a bearing on the question of the liberty of the subject. I say that if we are to give legislative powers to the Irish people we ought not to deprive them of one necessary weapon, which should not indeed be lightly used, and which I admit cannot be justified except in the case of a great emergency.

*MR. DUNBAR BARTON (Armagh, Mid) said, that the Attorney General had candidly confessed that the power of suspending habeas corpus should be given to the Irish Legislature for the purpose of dealing with the case of Ulster. The Solicitor General never would have made that admission.

SIR C. RUSSELL: I deny that I said that this power is to be directed against the people of Ulster. I only described the position taken up by the hon. Member who moved the Amendment, who said action in Ulster might require its exercise.

*MR. DUNBAR BARTON said, that the hon. and learned Gentleman was one of whom every Ulsterman, whether Protestant or Catholic, Unionist or Nationalist, was proud; and they classed him, with another Ulsterman, Lord Cairns, as one of the most distinguished lawyers of his time. But when he says that he cannot rise to the level of our fears we believe him. We say he cannot possibly

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do so whilst he enjoys the *otium cum dignitate* of an English citizen in this City of London. The hon. and learned Gentleman, so far as Ulster is concerned, is a distinguished absentee. My hon. Friend who moved the Amendment may not live in Ireland, though he goes there for some part of the year; but he represents 50,000 people who live in Ulster, and I myself represent very nearly as much. We represent a vast population who may be said to be *adscripti glebæ*, and who cannot live outside of Ulster, and who have everything in this world staked upon this cause. If the Attorney General cannot rise to the height of our fears, we cannot rise to the lofty altitude of his indifference. The hon. and learned Gentleman referred to the question of ascendancy. There was an ascendancy in the last century. But there was no ascendancy now. There was equality in the eye of the law, or, if there was not equality, let the inequalities be removed by the Imperial law, and they would bow to it. But the object of this Bill was to establish a new ascendancy in Ireland in place of the old ascendancy which had existed before they were born, and the new ascendancy would be the more odious and tyrannical, because it would be supported by a permanent and unalterable majority. It was said that Lord Salisbury, when he went to Belfast, fomented the spirit of resistance to this Bill. He no more fomented that feeling than the President of the United States, if he visited Niagara, could be said to cause the waters to overflow. There was going on in Ulster now what was not going on in any country in the world. But it was not fomented—it could not be fomented. It was a voluntary conscription. [*Laughter.*] Ridicule was, perhaps, the wisest policy to indulge in with respect to this matter. They had in the North of Ireland a voluntary conscription of 160,000 men—[*Laughter*]—of all classes, from the highest to the lowest, and that was a fact which hon. Members might laugh at, but which, in certain circumstances, they might find no laughing matter. He should complain that the Attorney General had not dealt at all with the Amendment before the Committee. This was one of the most important Amendments proposed in the

Bill, and it would illustrate to the public in Ireland, England, the United States, and the world, what their so-called subordinate Parliament meant, and what the talk about freedom and liberty in Ireland and a free Ireland meant. It meant the giving of coercive powers to this subordinate Parliament such as was given to no State of the American Union. What was the foundation of our liberty? It was the right which every citizen had by means of his right to the writ of habeas corpus, if illegally detained, to apply to the Courts to be set free. And if the Amendment were rejected, it would be in the power of the Irish Legislature to suspend the right to the writ of habeas corpus, and to establish a power of imprisonment at the discretion of the Executive. He declared that there was no right which should be more jealously preserved than the right of habeas corpus. The meaning of that right had been well summed up in the words of an Irish Judge—

“The Queen is supposed to be entitled to know why any of her subjects are kept in restraint.”

It was a mistake to suppose that the right was created by Statute. It existed before Magna Charta. Magna Charta merely confirmed the right of the people to the writ, and the Habeas Corpus Acts passed in England in 1679 and in Ireland in 1781 only rendered the right more available and enforceable by making the remedies, as had been well said, short, sharp, and decisive. In moving the Amendment they were, therefore, not asking the Committee to restrain the power of the Irish Legislature to make beneficial laws, but they asked the Committee to restrain the power of the Irish Legislature to suspend the high prerogative right—the most valuable right attached to the Crown, and which the Crown should be slow to part with or delegate. The writ of habeas corpus had, no doubt, in past times been suspended. It was suspended only once in England—in 1817—in the present century. It was suspended six or eight times in Ireland during the same period, and he thought that that fact was a most powerful argument in favour of the Amendment. On

every occasion on which Parliament made this great encroachment on personal liberty it limited its operation to a brief period of time, and never resorted to it except in times of the greatest emergency. He would like to quote the opinions of a few representative men on the writ of habeas corpus. Chatham said that the first three Latin words of the writ — *nullus liber homo* — were worth all the classics; Burdett, who was the Leader of the Radicals in Parliament when the writ was suspended in 1817, said that it was one of the best and most distinctive rights of Englishmen, and Lord Liverpool, who proposed the suspension of the writ in the House of Lords in 1817, said he had to admit that he was asking for most odious powers. It was said that they had the veto as a protection. He entirely repudiated the idea that the veto was an adequate protection in cases of this sort. The veto would depend on a Party vote in the House of Commons. In other words, the prerogative writ of habeas corpus would be placed at the mercy of the British Executive, only checked by indirect responsibility to one of the Houses of Parliament. This was a result which would be repugnant to the spirit of the British Constitution. Blackstone had pointed out the Constitutional principle applicable to the power of suspending habeas corpus. He wrote as follows—

"The happiness of our Constitution is that it is not left to the Executive Power to determine when the danger of the State is so great as to render this measure expedient, for it is the Parliament only, or legislative power, that can suspend the Habeas Corpus Act."

But the proposal of the Government was that this power should be withdrawn from the Legislative Body and handed over to the Executive. In the majority of the United States the habeas corpus could be suspended only in case of invasion or rebellion. In eight of these Sovereign States it could not be suspended in any case, and the tendency was to remove the exceptions and to provide that in no instance should it be suspended within the State. It could not be suspended in Vermont, Maryland, West Virginia, North Carolina, Missouri, and Texas. In Georgia, by the Constitution of 1868, and in Ala-

Mr. Dunbar Barton

bama, by the Constitutions of 1819, 1865, and 1867, it could be suspended in case of rebellion or invasion; but by the most recent Constitutions of these two States it had been provided that the writ of habeas corpus could not be suspended at all. With all the experience gained in America, the tendency was to get rid of exceptions and to substitute absolute prohibition. In America the fact would be appreciated that the Irish minority were being handed over to a Legislature which was called subordinate with a power that was not entrusted to the Sovereign States of the United States, and the American people would know who were on the side of liberty. How could it be necessary to give this power in Ireland to deal with invasion and rebellion when war and treason were reserved to the Imperial Parliament by the Bill? Invasion was only a form of war, and rebellion was an untechnical name for treason. If war and treason were reserved to the Imperial Parliament there was no reason for not also reserving the power to suspend the habeas corpus. The power could be given only for the purpose of coercion. This Amendment would test the sincerity of the Prime Minister's eloquent exordium in introducing the Bill, when he spoke of the two paths of autonomy and coercion, and invited the House to substitute autonomy for coercion. It was now rendered abundantly clear that coercion was part and parcel of this new Constitution for Ireland. Autonomy and coercion would be twins rocked in the same cradle and growing up together until a freedom-loving people arises to lay them in the same grave. It could not be said the power was to be given with the idea that it was not to be used, for the Attorney General claimed, as did the hon. and learned Member for North Dublin (Mr. Clancy) that it was given in order that it might be used. If the Irish Legislature could not govern Ulster without this power, this Parliament had no right to give it Ulster to govern; and further, the power would be of no use, because the prisons in Ulster were not large enough to hold the men who would go into them if the power were used, nor were bars and bolts strong enough to keep them there.

[Mr. W. E. GLADSTONE: Loyalism.]

The Prime Minister had been so spoiled by the adoration of some of his followers that he forgot what loyalism was—that it was loyalty to the Constitution, of which the habeas corpus was one of the foundations. There was no man who, when he found himself face to face with the risk of losing this protection, would not resist to the utmost. It would not strengthen the hands of the Irish Legislature to invest it with this power, for the possession of it would justify disaffection and precipitate resistance. The minority did not want to have their liberties put in peril. Let the Attorney General know in what company he was ridiculing the value of the habeas corpus. James II., in his advice to his son, quoted by Lord Milton in the Debates of 1817, said—“It was a great misfortune to the people, as well as to the country, that the habeas corpus had been passed, as it obliged the Government to maintain a great force and enabled the turbulent to prosecute their evil designs.” But he would rather appeal from the opinion of James II. to that of the great historian Hallam, who had written that “If temporary circumstances, or the doubtful plea of political necessity, should lead men to look on the denial of the writ of habeas corpus with apathy, the most distinguishing characteristic of our Constitution would be effaced.” The Government were looking on the denial of the writ of habeas corpus with apathy. They might convince themselves that they were right in yielding to the pressure of their Irish allies, but in process of time he thought that a provision like this would bring home to the humblest and the greatest in Great Britain and Ireland what was the real character of the Bill. It was a measure for really investing the authority in Ireland deliberately and knowingly with the power of coercing a portion of their fellow-countrymen, and with the power of withdrawing from men of whom Great Britain had nothing to complain on the score of loyalty or peaceableness the protection of the Imperial Parliament.

*SIR H. JAMES : My learned Friend the Attorney General seemed, from the speech he has delivered, to have forgotten that he was Attorney General and almost that he was a lawyer. My hon. and learned

Friend has delivered a purely Second Reading speech, and, what is more, a purely political speech. Long ago I recollect receiving a piece of advice as to the manner in which a Minister, engaged in steering a Bill through Committee, should act. The advice was given by the Chancellor of the Exchequer, and it was to this effect:—“Never speak for five minutes, and never say one word which your opponents can object to or answer.” I venture to recall that piece of advice to the attention of the Attorney General, who spoke for 25 minutes, and who has uttered many words to which his opponents must necessarily object. We shall have to follow the lead of the Attorney General to discuss the wrongs and the dangers of Ulster, to discuss their fears, to reply to his taunts and his insults; and in doing this we ought to receive the support of the Nationalist Members who cheered the Attorney General that this is not digression, but is the proper way in which to conduct a discussion in Committee on the sub-section of a Bill. What right, I would suggest, has the Attorney General to enter into the “last ditch” argument? The hon. and learned Gentleman is steering this Bill, but instead of avoiding the rocks, he has run right upon them, and appeared to be pleased when he got on them, and sorry when he got off. He said, What has the Imperial Parliament to do with anything that goes on in Ireland, even if the Irish Legislature should suspend the Habeas Corpus Act? The Imperial Parliament has a great deal to do with the question. I understand that the supremacy of Parliament is admitted to be a real supremacy, and that the Bill has been launched by means of promises, that the minority in Ireland shall be protected through this supremacy. If you allow the majority in Ireland to deal with the minority without the protection of the Habeas Corpus Act, what protection can possibly be given to any minority? The Prime Minister was unfortunately not present while this rhetorical attack was being made on Ulstermen; if the right hon. Gentleman had been present I believe that it would not have been uttered. I repeat, that the Attorney General said that if the Irish Legislature think it right to suspend the Habeas Corpus Act, what have we, the

Imperial Parliament, to do with the matter.

*SIR C. RUSSELL: I beg distinctly to say that I said no such thing. What I said was this: I was dealing with the suggestion of the hon. Member who moved the Amendment, and I referred to the result of throwing upon the Imperial Parliament, when it had made an effort to rid itself of Irish local affairs, the duty of considering that question, although they were not in the same position to judge of it as the Irish Legislature.

*SIR H. JAMES: That is much as I have stated, and I think I have correctly represented the Attorney General. I am now asking the Committee to consider whether the Imperial Parliament has not something to do with this very grave question. I know of no subject with which the Imperial Parliament ought to deal more seriously than with the suspension of the Habeas Corpus Act. If the Irish Legislature is to be a subordinate Parliament this is a strange power to give to it. The Legislature of Ireland would have the power of taking away the liberty of the subject, and the Executive would be in possession of the power to mark down for punishment, and without trial, every opponent. But I am told that Irishmen would never wish to use the power. Then for what purpose do they wish to have it? If it is improbable that the power would be used, why should it be granted? I appeal to the Prime Minister, who in his time has enjoyed great responsibilities of government. I would ask my right hon. Friend whether the slightest success attended the suspension of the Habeas Corpus Act in 1881. Did it pacify Ireland? The fact is, that the suspension of the Habeas Corpus Act can only be effective where it leads to people running away and escaping from justice. When it is met it becomes of no service, and never can be of service in restoring peace or obedience to the law. I now repeat, in the hearing of my right hon. Friend, that the Act of 1881—

MR. MAC NEILL (Donegal, S.): Who was the Attorney General then?

Sir H. James

SIR H. JAMES: I do not think the Prime Minister looks back to his suspension of the Act with satisfaction.

MR. W. E. GLADSTONE: My suspension?

*SIR H. JAMES: I can assure my right hon. Friend that I spoke only of the Government as a whole. It was done in the belief that good would come out of it. [*Laughter from the Irish Members.*] Do hon. Gentlemen think I shall be disturbed by what occurs there. [*Laughter.*] Why should those jeers take place? I have acted faithfully towards the right hon. Gentleman the Prime Minister. I have formed no compact with him to get something from him; I have not abused him one day, accused him of political crime one day, and followed him servilely the next. I was not for one moment complaining of the policy of the Government of my right hon. Friend; I was asking him if he thought this policy had produced good results. I understood that in 1882 we departed from that which was represented by the suspension of the Habeas Corpus Act, and I do not think my right hon. Friend looks back on it with pleasure.

MR. STOREY (Sunderland): What about yourself?

*SIR H. JAMES: My hon. Friend below me thinks I introduced the Bill. I was not a Member of the Cabinet; I was never consulted before it was introduced. So far as I can recollect I never uttered a word in favour of it, and all the right hon. Gentleman can taunt me with now, by word or gesture, is that I did not resign Office because he introduced that Bill. I do not think that precludes me—because I had the great honour of serving my right hon. Friend—from saying the suspension of the Habeas Corpus Act, and although I share the responsibility with other Members of the Government of the passing of that Act, is a dangerous policy. I know the step was taken with the best motives, but I think the right hon. Gentleman in charge of the Bill—Mr. Forster—regretted that he had to use a weapon so dangerous. I do not intend to say more

in relation to the policy of suspending this Act in the past than I have said, and to which I have referred for a moment with a desire to criticise the action of a former Government. We have now to decide whether that power is to be given to the Irish Legislature. I take the words of the Attorney General (Sir C. Russell). His description was that the Irish Legislature would have power to suspend the Habeas Corpus Act, but only in accordance with the established precedents, and if there was an emergency or a state of circumstances that justified the act. I wish my learned Friend would tell us the meaning he wishes to attach to those words. All that would be required would be an Act of one clause saying that the Habeas Corpus Act should be suspended after a certain date in any year. Who will try the validity of that Act? A person might be arrested under it, and he might, before the Skibbereen Petty Sessions, charge the police officer with an assault. The officer would reply, "I arrested you by warrant of Dublin Castle." The accused would say, "Here is the Habeas Corpus Act; you have no right to arrest me." The officer would say, "The Act has been suspended, and the suspension was a good one." "No," the accused would say, "it is bad, because it is not an Act passed according to the established precedents, nor was there an emergency or a state of circumstances to justify the Act." The Petty Sessions at Skibbereen would have to decide whether the Legislature of Ireland had acted according to precedent or national emergency. If they found the Legislature was acting in accordance with precedent they would remit the accused into the custody of the officer; but if the procedure goes to the extent of enabling the Magistrates to say the Act was passed without precedent, they would have to release the accused and to detain the officer in custody who made the arrest. But I am told there is an appeal to the Exchequer Judges. So there is, but I understand the appeal to the Exchequer Judges is to be on a point of law. According to this canon of construction laid down by the Attorney General, the Exchequer Judges are to be a Court of Appeal over the exercise of the discre-

tion of the Irish Legislature. The Irish Legislature, by a large majority, vote that the Act ought to be suspended. The Court of Exchequer Judges have to say, "Yes, so they did; but we do not care for that; we will look into the state of Ireland, and will inquire whether there are Ribbonmen in West Meath or Fenians in the South of Ireland; we will sit in a High Court, and say we think the Irish Legislature was wrong; there were no such disturbances which, according to precedent, would justify the Legislature in passing this Act." And then they are to say, "We, the two Judges, not agreeing with the Irish Legislature, will over-rule the vote of that Legislature; we will set that Act entirely on one side, and declare that the Act has not been passed on account of a national emergency." I think the Committee will see the tangled web into which this Bill has now got. Here we are going to introduce into this old Constitution of ours this new-fangled form of the American Constitution. We are now to reduce to this positive level the liberties and the greatest power over the liberties. [*Laughter and interruption.*] Of course, Mr. Mellor, the Nationalist Members do not understand such arguments, and they gibe at them; they are foolish gibes. They are not thinking of the liberties of anyone. If you give this power of suspending the Habeas Corpus Act, we believe and hold that the Irish Legislature will use that power, and, therefore, we ought to take good care that there shall not be given to a subordinate Parliamentary powers which ought never to be given to any Body but that which possesses extreme responsibility. We take note that to-night there has been developed by the refusal to accept this Amendment, exaggerated to some extent by the strange arguments of my hon. and learned Friend, a feeling that this Bill will produce results full of the highest danger and disaster to the loyal minority in Ireland.

MR. W. E. GLADSTONE: We are accustomed to acknowledge, and I am accustomed greatly to acknowledge, the advantage we derive in intricate and difficult legal discussions from the presence of sages of the law on one side or

the other. We expect from them everything that tends to allay our passions, to enlighten our understanding, and to direct us without prejudice or disturbance of the balance of our minds towards the various issues before us. But my right hon. Friend has introduced quite a new element. During these Debates, in certain things, not on all occasions, he has, undoubtedly, contributed some of the most stirring, some of the most animated, and some of the most disturbing disquisitions I have ever heard delivered in this House; but I think he has excelled himself on the present occasion. My right hon. Friend has stated to-night that during a Government of which I had the honour to be the Chief, that he served us loyally. Sir, that is perfectly and absolutely true, and I look back upon it, even at this moment, with unmixed satisfaction; but he served us with a completely simple and sober-minded loyalty that is in most extraordinary contrast with the speech he has delivered. If my right hon. Friend has lost nothing in ability, he has certainly lost nothing in warmth and power of appealing to passion—nothing whatever. On the contrary; in those respects, if they are desirable, he has largely gained, and is altogether in advance of the Attorney General. His new position has inspired him with new zeal; he has before him, apparently, objects far more sacred than those which were present to him when he held the humdrum office of Her Majesty's Chief Law Officer. How jauntily has he dealt to-night with the question of the habeas corpus. He refers to my suspension of the habeas corpus—he had nothing to do with it—my suspension of the habeas corpus. I accept the responsibility in this matter, and I shall not say one word to extenuate it; but I think the Attorney General of that day had a little more responsibility about it than he seems to be aware of. Under what pretext does he shelter himself? He believes he never made a speech in favour of it; he only followed loyally the Government to which he belonged. Yes, Sir; but an Attorney General who follows in Constitutional and legal matters the Government to which he belongs is supposed to have some concern with the character of any proposals which they make. What is

the true and sound doctrine as to the responsibilities of Members who, as my right hon. Friend carefully reminds us, were not in the Cabinet? Well, Sir, my doctrine has ever been this, and scores of times I have had to deliver that opinion in practical advice and in other exigencies of political life. I have always held that a Member of the Government not in the Cabinet, when a measure is adopted by the Government not in his own specific Department, has no responsibility until he has to pronounce upon that measure in his character as a Member of Parliament; but when he has to pronounce in his character as Member of Parliament, he becomes as fully responsible for that measure as any Member of the Government. My right hon. Friend, who has endeavoured to-night elaborately to relieve himself of that responsibility—

SIR H. JAMES: I shall not appeal in vain to my right hon. Friend's justice. I do not think that he heard all I said.

MR. W. E. GLADSTONE: Every word.

SIR H. JAMES: My right hon. Friend was engaged in conversation with the Attorney General. I said distinctly that I blamed nobody, and that I did not wish to depart from accepting responsibility. But I asked my right hon. Friend, did he not look back with satisfaction upon the result of that measure?

MR. W. E. GLADSTONE: That is a very easy part of the question. I do not look back with satisfaction; but I might reply to the Attorney General of that day, the great defender of the law, the great champion and pillar of Constitutional principles, by asking him whether he, who gave his votes in Parliament on that subject, reflected with satisfaction upon them? Well, Sir, my right hon. Friend has done to-night what I think is extremely unusual. I have heard my right hon. Friend, even under the excitement which attends our present Debates, do most kind and most handsome things within the last few weeks. Never would I be the man to do him consciously, or any other man, injustice;

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but my right hon. Friend to-night took a very extreme course. He differed entirely with the Attorney General as to the sense of the speech and the declarations made by the Attorney General. In his recollection, in his honourable recollection, he differed absolutely from the honourable and independent recollection of my hon. Friend. Now, Sir, it is a uniform rule in this House that when a gentleman finds himself in that predicament, when he has put a construction on the speech of an opponent, and that opponent rises and interjects an expression denying and reversing that construction of the speech, and states what he said is distinct from and opposite to it, it is the established practice to accept that declaration. My right hon. Friend has set an evil precedent; he continued to construe the speech of the Attorney General in the sense which the Attorney General had emphatically disclaimed. I wish to enter my protest against that mode of conducting the Debates of this House. I should enter my protest against it even if it occurred in the speech of the most insignificant and newest Member, but especially when it occurred in the speech of one of the great sages of the law, to whom we have to look, even in this House, for the anticipatory exercise at least of some of those judicial qualities that are supposed to lead gentlemen on in that happy path to the highest positions in the legal firmament. Now I come to the Amendment itself. ["Hear, hear!"] I welcome that cheer; I acknowledge that cheer; I acknowledge its justice; I acknowledge I have been at a long distance from the Amendment, but who led me there? The effect of this Amendment, as I understand it, beyond all question is to deprive absolutely and under all circumstances the Irish Legislature, acting on its own responsibility, of the power of suspending the writ of habeas corpus. What is the position which we take up in answer to that contention? Our position is this: that while I, for one, entirely disclaim the slightest intention of imputing to the future Irish Legislature any disposition to an unjust or capricious suspension of the Habeas Corpus Act, yet I do not hesitate to say in my judgment, and I believe in the judgment of those to whom we look as our legal

guides on this question, we have endeavoured so to frame the phraseology of this Bill as to place it beyond the power of the Irish Legislature to exercise such a disposition which I am certain it will never do. ["Oh, oh!"] That is the strange and eccentric opinion which I hold of the future of the Irish Legislature. But allow it, permit it, forgive it, because though I hold that opinion I admit that I, with others, have acted as though we did not—that is to say, we have met you, and not unwillingly met you, to this extent: that we have endeavoured to frame the phraseology of this Bill in such a way that were this Irish Legislature capriciously and in utter forgetfulness of British liberty under our ancient Constitution; were this Irish Legislature to be capable of capricious, wanton, and needless suspension of the Habeas Corpus Act, with no circumstances to warrant and demand it, our Bill as it is framed would not allow it. Such an Act, even if it could receive the Royal Assent, which I believe to be impossible; even if it could escape the intervention of this House, which I believe to be impossible also, the action of the Courts of Ireland, by the appeal that would be made to them, and by the final judgment of that Judicial Committee of the Privy Council, would entirely quash and nullify that not only unwise but wicked act of the Irish Legislature. That has been our object, and the question is whether you will adopt an Amendment which shall bind you to this principle that under no circumstances shall the Irish Legislature be enabled to suspend the Habeas Corpus Act. ["Hear, hear!"] I am sorry to say I understand that cheer, though it is limited to a particular corner which is rapidly acquiring a peculiar notoriety for cheers of a certain character, and renewed at a particular part of the evening. Our position is that, while taking securities, if you please, against the wanton, the wicked suspension of the habeas corpus, we also determine to impose on the Irish Legislature the duty of enacting laws for the peace, order, and good government of Ireland; and, having imposed on them that duty, we have no right to deprive them of this last and all-powerful weapon, which, in circumstances not to be supposed, and, I am

firmly convinced, never to occur, but still within the range of possibility, and of the survival of which our opponents sometimes give indications—we have no right to withdraw the means of dealing with a terrible crisis if it should arise. If this were done it would be open to the Irish people to say that they had been appointed to a great, solemn, and responsible charge, and then had deliberately taken from them the means of discharging it. That requires no illustration drawn from the inconsistencies of late Law Officers or others to condemn it. It is a simple proposition which will, I think, recommend itself to this Committee; and, therefore, I ask you to reject the Amendment.

LORD R. CHURCHILL (Paddington, S.) said, the Prime Minister had made a very forcible speech; but the Committee must recollect—he (Lord R. Churchill) had a good recollection in the matter—having heard the right hon. Gentleman speak very differently on the suspension of the Habeas Corpus Act in Ireland. The attack made by the Prime Minister upon the Member for Bury (Sir H. James) was utterly unfounded. The main ground of that attack was that the Member for Bury consented to the suspension of the Habeas Corpus Act in 1881, but now objected to that right being handed over to the Irish Parliament. When the Member for Bury supported the Prime Minister in 1881 the latter professed very different views to what he now upheld with regard to the government of Ireland. If the Prime Minister had never deserted the old Liberal principles which for years he held as to the government of Ireland, he would have the right hon. Member for Bury and many others with him now. But when the Prime Minister and leader of the people abandoned it in the course of a few weeks, without consultation with any of his Colleagues as to the new policy for Ireland which he was going to pursue, he should not, years afterwards, turn round and accuse the right hon. Member for Bury for departing from all his old principles. That was a most unjust charge to be brought against a former Colleague, who, to his know-

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ledge and recollection, gave him more assistance for the suppression of Ireland than any single Member on that (the Treasury) Bench. The Member for Bury remained true to every principle of political honour to which he was pledged, and experienced the greatest sorrow at departing from his Chief. The Ulster people who, at one time, gave the Prime Minister their support—

MR. W. E. GLADSTONE: They, in the exercise of their undoubted right, turned out every one of our supporters.

LORD R. CHURCHILL said, that they were quite right to do so, after the legislation which he had adopted for Ireland. He remembered the noble Duke (Devonshire), who was then Marquess of Hartington, going over to Belfast and saying that the government was unsatisfactory, and a departure from the great principles of Liberal government. The Attorney General had deliberately said that the reason the Government objected to the Amendment was that the *habeas corpus* would have to be used against the people of Ulster.

*SIR C. RUSSELL said, he must correct the noble Lord. He was dealing with the argument of the Member for Down (Mr. Rentoul), who said there would in all probability be a state of things in Ulster in which the Irish Legislature would think it right to apply the Habeas Corpus Act; and he went on to show the hon. Member that the state of Ulster opinion was not what he thought it was.

LORD R. CHURCHILL said, that was a manœuvre which was called "willing to wound, but yet afraid to strike." The Attorney General's whole argument was directed to the power of the Irish Legislature to put down rebellion, or what they might choose to regard as rebellion, in Ulster. The right hon. Gentleman asked whether the Opposition seriously thought the Irish Legislature would forget the great principles of English liberty. When, at any time of their history, did the Irish people learn those principles? They had their own principles of liberty, which were fatal

when a large minority were opposed to their ideas. The Opposition held, therefore, that the Irish were not fit, and never would be fit, to suspend the liberties of a large portion of their countrymen, because at the least sign of opposition the Irish Parliament would be ready to suspend every safeguard for liberty. The Government were driving nails into the coffin of the Home Rule Bill. Of all the Amendments proposed to this clause none exceeded the present one in importance. When the right hon. Gentleman was responsible for the government of Ireland, he did not hesitate to suspend the Habeas Corpus Act and to imprison about 2,000 persons—village ruffians in their thousands, and Members of Parliament in their scores. The inconsistency of the Government on this subject was incomprehensible and phenomenal. They did not seem to realise what weapons they were putting into the hands of the Opposition. He had had some experience and he knew the effect that could be produced on Englishmen by asking them whether their Irish fellow-subjects were to be deprived of their great securities for liberty—the Habeas Corpus Act and the petition of right—especially when it was known that those rights would only be valuable to the Protestants and Loyalists, and that the suspension of them would be a political strength to the Nationalists. The hon. Member for Sunderland (Mr. Storey) professed to be a most faithful supporter of the old Radical faith, but he would help to give this power to the Irish Executive. Mr. Bright would never have consented to it; he would not even vote in this House for the suspension of the Habeas Corpus—

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne) : He voted for it.

LORD R. CHURCHILL : The right hon. Gentleman—

MR. J. MORLEY : He voted for it once.

AN hon. MEMBER : Twice.

MR. J. MORLEY : Yes; he voted for it twice.

LORD R. CHURCHILL said, there might be exceptions here and there; he

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did not admit it until he had had the opportunity of verifying it. If Mr. Bright voted for the suspension, it only showed the influence of the right hon. Gentleman the Prime Minister. But your modern Radical voted for it gaily. The right hon. Gentleman might pursue his way; but undoubtedly the progress of the Bill had not been very gratifying. [*Cries of "Question!"*] He was speaking to the Question. Why was progress slow? Because, at the time when there was grave anxiety among the Government's supporters as to whether the Bill would be got through Parliament at all, and at a time when the elections showed clearly—[*cries of "Oh!" and cheers*—]utter distrust, and in many places great hostility to the measure, the right hon. Gentleman would insist on driving the Opposition to their last resort by refusing concessions on the vital and essential parts of the British Constitution, and by refusing to listen to or to answer arguments.

Question put.

The Committee divided :—Ayes 241; Noes 270.—(Division List, No. 154.)

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. J. Morley*)—put, and agreed to.

Committee report Progress; to sit again To-morrow.

SEAL FISHERY (NORTH PACIFIC) BILL

[*Lords*].—(No. 393.)

SECOND READING.

Order for Second Reading read.

***THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir E. GREY, Northumberland, Berwick) :** In moving the Second Reading of this Bill it will be unnecessary, I think, for me to detain the House more than a few minutes. Some Papers have already been published which explain the reason why it was necessary to make this agreement, which is a provisional measure intended to endure for one year. The Bill has arisen out of exceptional circumstances that are as simple as they are exceptional, and no one who has read the Papers will be in doubt as to the merits of the ques-

tion or why it is necessary to bring the Bill before the House without delay. The circumstances which have led to it are these : Last autumn certain Canadian vessels were seized by Russian cruisers on the ground that they had been transgressing International Law by capturing seals on the islands on the western side of the Behring Sea in the North Pacific which were within Russian territories. The circumstances of these seizures as reported created some indignation and some bewilderment as to what the intention of the Russian Government really was. I am glad to say that these circumstances have formed the subject of investigation in no unfriendly spirit between the British and the Russian Governments, and that, whatever may have been our first impression as to the seizure of these British vessels in the Behring Sea, it is now clear that the discussion between the two Governments will proceed solely upon matters of fact, and will not raise wide questions as to jurisdiction or International rights. It was very natural that the Canadian Government should, at the beginning of this year, request Her Majesty's Government to inform them what the procedure of Canadian vessels in that portion of the Behring Sea was to be during the ensuing season, and what measure of protection would be afforded to Canadian vessels. The British Government replied that British cruisers would support the action of Canadian sealing vessels in the North Pacific, except where they transgressed the three miles limit of the Russian territorial waters. The Russian Government demurred to that on the ground that the seals which visited these extra-territorial waters were bred on islands inside their territorial waters, and that, owing to the severe strain that had been put upon them, the seal rookeries on the islands in question were in danger of being altogether depopulated, and that the seals on them would be entirely destroyed. That, I think, was a fair ground for demurrer on the part of Russia supposing it could be supported by good reasons. Russia supported it by good reasons, pointing out that it was owing to exceptional circumstances—that is to say, the closing of one part of the Behring Sea to all sealing, that the sealing vessels concentrated their operations upon the Russian side of the sea.

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It was in these exceptional circumstances that Her Majesty's Government thought that there was fair ground upon which they could meet the proposals of the Russian Government, and that measures might be adopted which were beyond those usually sanctioned by International rights for the purpose of protecting these seal fisheries, as there was a danger of the extinction of seal life in that part of the world. I think the House will admit that there was a reasonable ground on which we could agree to discuss the adoption of special measures with the Russian Government. But something else followed. We submitted that if we were to submit to restrictions for the preservation of seal life then the Russian seal hunters should submit to other restrictions to help in that preservation. The Russian Government, on their own part, undertook to submit to restraint, and not to permit more than 30,000 seals to be taken annually from the rookeries, in place of 50,000 previously taken, and, on the other hand, Her Majesty's Government, in their turn, agreed that no sealing operations should take place within 10 miles of the Russian territory, or within 30 miles of the rookeries. That proposal was not accepted at once, but the Canadian Government were first sounded on the point. They admitted that it did appear reasonable, and said it was a proposal which would be acceptable to them. In these circumstances, Her Majesty's Government saw no reason why the proposal of the Russian Government should not be accepted, provided the details could be satisfactorily arranged. There was only one cause of dissension between the two Governments. The Russian Government claimed the right to seize vessels engaged in sealing outside the territorial waters, but within the two prohibited zones of 10 and 30 miles. It was agreed that British vessels ought not to be subjected to Russian jurisdiction, and a demand was therefore made to the Russian Government that if they seized any English vessels they should be handed over to the English authorities. The Russian Government complained at first that they could not effectively police their own waters and also take charge of any English vessels found engaged in sealing in the prohibited waters

in order to hand them over to the British authorities. The answer was that to British authorities only would British sealers be made amenable, and Russia showed that she came to the discussion of these matters in no unfriendly spirit by agreeing to an arrangement whereby, if they could not retain the vessels, they should be content with seizing their papers, and then sending the vessel to some port with the papers following to be dealt with. That was an evidence that the Russian Government, in asking for an agreement of this kind, was not raising difficulties in a captious or vexatious spirit, but was prompted by the necessities and difficulties of the case. In regard to the preservation of seal life in that part of the world, Her Majesty's Government found that the agreement was acceptable to the Canadian Government; that it was reasonable; would serve the purpose for a time at least, and would prevent further friction and dispute in the regions concerned, such as had occurred in the previous year. Now, by entering into this agreement Her Majesty's Government have undertaken the responsibility of prosecuting British vessels which transgress it, and they are bound in honour to pass an Act of Parliament to enable them to discharge the obligation. If the House approves of the agreement, as I believe it will, it will be bound in honour to pass a Bill in order to enable the Government to keep faith with the Russian Government. I have, therefore, only to submit the present Bill to the House, with the confidence that being submitted as a Bill for a provisional arrangement, it will be accepted as an arrangement absolutely necessary to meet the exceptional circumstances of the case, and as being fair and honourable to all parties. It has the approval of Lord Salisbury in another place, and, therefore, I commend it to the consideration of the House as the best arrangement which can be arrived at for the moment, which will obviate future dangers and causes of friction, and will prove of advantage to both countries. I move that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir E. Grey.*)

SIR G. BADEN-POWELL (Liverpool, Kirkdale) said, that as perhaps he was one of the few Members who had been personally to the Islands dealt with in the Bill, he desired to say a word or two. With the exception of two objections he heartily approved the Bill, and hoped it would soon become law. His first objection was that the Bill had not been presented to the House at an earlier period of the Session. He knew the men engaged in these sealing operations, and he had the greatest respect for them. They were some of the first sailor men in the British Empire, and he regretted that the Bill had not been brought in earlier, for, in justice to the men, a decision on the matter ought to have been come to before, so that they might have been made acquainted with the arrangement before they left the ports of British Columbia. He rejoiced that we had a Second Chamber in which useful legislation of this character could be initiated, and in which Bills of a highly-important character could be brought forward early in the Session. His second objection was that we had conceded too much to Russia, for he did not believe that the destruction of seal life had been so great as was pretended. Nevertheless, he considered that the Bill was a good and necessary one. He should like to know whether in Committee Her Majesty's Government would be prepared to accept verbal Amendments, as there were one or two points in regard to which slight amendments would strengthen and improve it?

*MR. J. W. LOWTHER (Cumberland, Penrith): I do not think I need trouble the House above a moment or two in saying that I congratulate the Government on having arrived at the agreement with Russia embodied in the Papers recently laid before the House. I think I may say that, so far as this side of the House is concerned, there will be no objection to rapid progress being made with the measure. It was obviously desirable, after the events which took place last year in the matter of the seizures of British vessels, that an un-

derstanding should as soon as possible be come to with Russia on that question, and all matters germane to it, after that Government had made themselves fully acquainted with the circumstances under which the seizures took place. On the general principle of the Bill no criticisms need be passed; but I should like to ask whether the Under Secretary means that the Bill is to last only for one year, seeing that the arrangement can be renewed from year to year? I may have misunderstood him, but I thought he said the Bill is only to last for one year. I think it would be very undesirable to pass the Bill for only one year, so as to necessitate the passing of a second measure next year. The Bill should be made permanent, and should be carried out by Orders in Council. I cannot really blame the Government for any delays that have taken place in bringing the Bill before Parliament. Of course, as will be seen from the Papers which have been presented, negotiations have been somewhat prolonged, and on comparing the dates of the various Despatches I do not think any charge of delay can fairly be brought against either the Russian Government or Her Majesty's Government. I certainly would do nothing to delay the passage of the Bill, and I conclude by saying that, so far as this Bench—and I think this side of the House—is concerned, the Bill will receive our hearty support.

*MR. GIBSON BOWLES (Lynn Regis) said, he rose with diffidence to move that the Bill be read a second time on that day three months. He should be able to show that the Bill raised a serious question with regard to British subjects and the powers of British Ministers. Attention had been called to the statement that the measure was to be passed for one year only, but no such limitation was in the Bill.

*SIR E. GREY: When I said that I did not mean to imply that the Bill would only last for a year, but that in passing it the House sanctioned an agreement which was only for one year.

MR. GIBSON BOWLES: Then the Bill is to be perpetual?

Mr. J. W. Lowther

SIR E. GREY: In the Behring Sea.

MR. GIBSON BOWLES said that, to put it in a few words, the effect of the Bill was to give power to Her Majesty's Ministers to protect sealskin cloaks at the expense of the liberties of Her Majesty's subjects on the high seas. What interest had we in the seal? Our interest lay exclusively in the use of it in the shape of clothes. No question of humanity could be urged, for there was as much inhumanity in driving the seals ashore and clubbing them as in shooting them on the high seas. He would call attention to the difference that existed between the question that had arisen as between the American Government and the British Government with regard to seals, and the question that had arisen between the Russian Government and the British Government. The American Government, no doubt, in 1886 seized, in a very high-handed way, a number of British sealing vessels. They took them into port, however, and tried the crews. They subjected the sailors to due process of law, and when they found they had no case they gave up the vessels, or a great number of them. But last year, encouraged apparently by the conduct of the Americans, but still more, he thought, by the results of the General Election of last July, the Russians entered upon a course of seizure of British vessels, under circumstances set forth in the statements made to Admiral Hotham, and which appeared in *The Times* dated September 8th. It appeared that they took the vessels into Russian ports, and, without placing the crews on their trial, treated them with the greatest inhumanity. Again and again he had asked Her Majesty's Government to give information as to these violent, outrageous, and lawless seizures by Russia, and not one word had been vouchsafed in reply. No Papers had been presented.

SIR E. GREY: They have been laid to-day.

*MR. GIBSON BOWLES said, that here was a Bill sent down from the House of Lords to be read a second time, and they were told that the Papers relating to it had only been laid on the

Table to-day. These outrages were committed last July, and certainly no reparation had been made in January last, when the Foreign Secretary was invited to come to an agreement with Russia. His first complaint of the agreement and of the Bill that professed to carry it out was that, without having obtained any reparation for these acts, Her Majesty's Government showed themselves ready to enter into an agreement with the Power that had committed them, giving that Power special rights over the high seas. The making of an agreement of indulgence with the Power that committed the affront showed that Her Majesty's Ministers were scarcely conscious of the high trust that had been committed to them. The Foreign Secretary (Lord Rosebery), in his first Despatch to the Russian Government, said that Her Majesty's Government gathered from the language used in 1891, and from previous public utterances of the Russian Government, that Russia made no claim to prohibit sealing in the waters adjacent to her territories except within the ordinary and recognised three-miles limit. Of course, no one had any right to complain of the action of Russia in this respect within the three-miles limit. His whole objection to the agreement was that it permitted Russian seizures outside the territorial limits, or, in other words, on the high seas. The Foreign Secretary was soon undeceived, for the Russian Government replied that they had themselves decided that no vessel should be allowed to fish for seals within 10 miles of the Russian coast or within 30 miles of the Commander Islands. After a certain amount of negotiation, an agreement was made. Lord Rosebery, unmindful of the interests of British subjects, forgetful of the wrongs inflicted upon them, and regardless of his duty to get reparation for those wrongs, entered gaily and easily into this agreement. Here he must complain of the English translation of the Russian documents. Those documents had been absolutely watered down in the translation. To give only one instance, the English translation made the Russian Government say they "desire" to preserve complete liberty of action as to choosing in future between the two systems of issuing their own orders or of

making agreements with England. In the original the word was not "desire" but "intend," so that in the translation the meaning was entirely watered down. It was true that Lord Rosebery said that the British Government did not admit the Russian claims to jurisdiction over the high seas; but, as a matter of fact, he had agreed to Russia prohibiting sealing on the high seas within 30 miles of the Russian territories. The House was told that the consent of the Dominion Government had been obtained to the agreement; but they were without a single Paper on the subject. What sort of consent had the Dominion Government given? Was it an unconditional consent, or the sort of consent they gave in 1891 to the *modus vivendi* with America—namely, a consent that was conditional on compensation being given to the sealers who were interfered with? Was the House to be called upon to provide in the Estimates for the compensation of the sealers? In 1891 Lord Salisbury declared that he would do nothing with regard to the *modus vivendi* until the consent of Parliament had been obtained. Her Majesty's Government now, without waiting for the consent of Parliament, had agreed with Russia to desist from the protection of British subjects, to which such subjects had a right. He said that this was a most monstrous usurpation of the power of a Minister, exercised under the pretext of the Prerogative of the Crown. The Bill gave very serious powers. It gave the power to prohibit, during the period specified in an Order in Council, all sealing by British ships in such parts of the seas as were specified in the Order. The Act had been drawn in a most careless and slipshod way. The Act was to apply to the seas within

"That part of the Pacific Ocean known as Behring's Sea, and such other parts of the Pacific Ocean as are North of the 42nd degree of latitude."

But whether North or South latitude was meant was not stated. If what was meant was South latitude it would close the Pacific Ocean from New Zealand to the North Pole. The Bill gave power to any commissioned officer to seize a vessel if he was of opinion that she was preparing to seal, and also provided that

if a vessel had any shooting or fishing implements on board—which might be construed to mean a fish-hook or a gun for signalling—the onus should be laid upon her to prove that she was not engaged in the seal fishery. All these points were to be decided by Her Majesty the Queen in Council. As a matter of fact, Orders in Council were drawn up by clerks in the office, and “Her Majesty in Council” was really only a cover for a permanent official. The effect of the Bill, therefore, would be to put under some permanent official every subject of Her Majesty sailing on the high seas between certain degrees of latitude. It would also—and this was the worst part of it—place Her Majesty’s subjects at the mercy of every Russian cruiser who sailed those seas and enable the officers on board to seize British ships, capture their papers, and hand them over to some one of Her Majesty’s cruisers. He said that even to ask for such powers as this was unconstitutional; and he was sure that if the House, instead of being called upon to decide in 50 minutes upon a matter of this magnitude, had due time to consider the Bill, it would refuse to place the life, the liberty and the property of Her Majesty’s subjects at the mercy of permanent officials.

*MR. SPEAKER: Does anyone second the Amendment?

No hon. Member rose to second, and the Speaker therefore again proposed the Question, “That the Bill be now read a second time.”

COMMANDER BETHELL (York, E.R., Holderness) said, he thought his hon. Friend who had just sat down had done quite right in reminding the hon. Baronet (Sir E. Grey) of the circumstances attending the seizure of British sailors last year, and he thought that the hon. Baronet in introducing the Bill ought to have told the House something about the high-handed proceedings of the Russian Government. He (Commander Bethell), however, was quite at one with the Bill, as it was quite essential that some step should be taken to prevent the destruction of seal life which was now going on, and which would end before long, if it were not stopped, in the extinction of

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seals. He had merely risen to accentuate the remarks of his hon. Friend in regard to the most arbitrary proceedings of the Russian Government in capturing British sailors last year, and he thought the hon. Baronet ought to have given some explanation and perhaps have made some apology for it on behalf of the Russian Government.

*MR. TOMLINSON (Preston) inquired whether the Government expected to be called upon to give an indemnity to the crews of any of the ships seized last year?

*SIR E. GREY: By the leave of the House I will just say a word on the point which the hon. Member has raised. In the speech I have already made I explained that the discussion with regard to these seizures by the Russian Government would turn on questions of fact and not of questions of International Law or abstract right. In the Papers that have been laid on the Table to-day it will be seen that the Russian Government dispute the statements of fact which have been referred to by the hon. Member for King’s Lynn (Mr. Gibson Bowles) and state that the sailors who, according to the point of view put before us, were seized at a considerable distance from the land, were in some instances, according to their investigations, sailing within prohibited limits and were caught in hot pursuit. In two instances, however, at least, the Russian Government admit that they cannot prove that, and have offered an indemnity. That is the position of affairs at present, and if the matter is pursued the discussion will proceed on questions of fact.

Question put, and agreed to.

Bill read a second time, and committed for Thursday next.

CONVEYANCE OF MAILS BILL.—(No. 263.)
COMMITTEE. [*Progress, 15th June.*]

Bill considered in Committee.

(In the Committee.)

[Sir J. GOLDSMID in the Chair.]

Clause 1.

MR. TOMLINSON rose to move an Amendment to the clause.

MR. T. M. HEALY (Louth, N.), on a point of Order, asked whether the question, "That Clause 1 stand part of the Bill" had not been put?

THE CHAIRMAN: No; the Question has not been put. The hon. Member is in Order.

It being Midnight, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again To-morrow.

APPEALS (FORMA PAUPERIS) BILL
[*Lords*].—(No. 313.)

SECOND READING.

Order for Second Reading read.

Objection taken.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): I hope the opposition to this Bill will not be maintained. The Bill came down from the House of Lords. It has the assent of the Appeal Committee, and is not a Party matter. The object is to prevent vexatious appeals. Paupers are now allowed to prosecute appeals to the House of Lords on a certificate from two barristers that there is good ground for the appeal. The consequence is that many persons who are successful in the inferior Courts are subjected to vexatious litigation without any *prima facie* case. This Bill will enable the House of Lords to refuse to entertain such cases if the Committee of Appeals report that there is no *prima facie* case.

MR. T. M. HEALY: Does it apply to Irish appeals?

MR. ASQUITH: Yes, to all appeals.

Motion made, and Question proposed, "That the Bill be now read a second time."

Question put, and agreed to.

Bill read a second time, and committed for To-morrow.

COUNTY OF THE CITY OF GLASGOW
(*re-committed*) BILL.—(No. 391.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1 agreed to.

Clause 2.

*MR. HOZIER (Lanarkshire, S): Will the Secretary for Scotland say whether the Government do not intend to follow the precedent of Edinburgh? The Lord Provost of Edinburgh is *ex officio* Lord Lieutenant of the County of the City of Edinburgh. Is that privilege to be withheld from Glasgow?

*THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton): This is an important question. On his or her accession to the Throne, the Monarch appoints the Lord Provost of Edinburgh and his successors to this post, and it is the intention of the Government to request Her Majesty to issue a Commission of the same sort for Glasgow. I hope it will be a long time before it is necessary to repeat the request.

MR. HOZIER: It is not provided for in the Bill.

SIR G. TREVELYAN: It is the intention of the Government. I do not think we can bind Her Majesty to take any course.

Clause agreed to.

Bill reported, without Amendment; read the third time, and passed.

IMPROVEMENT OF LAND (SCOTLAND)
BILL.—(No. 235.)

Bill considered in Committee.

(In the Committee.)

Clause 1.

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. H. GARDNER, Essex, Saffron Walden): I hope the Bill will be allowed to pass. It was accepted unanimously by the House the other night. There is only one clause practically. The object is to enable landowners in Scotland to charge upon

their estates the expense of planting trees. Under the Act of 1864 they were unable to do that either in England or in Scotland unless the trees were for shelter. By an Act passed in 1882 English landowners were allowed to do this, and it is now proposed to give Scotch landowners the same facilities. The Bill is approved by both sides of the House.

MR. BROMLEY - DAVENPORT (Cheshire, Macclesfield): Although this Bill was unanimously accepted by the House on Friday, this is the first explanation we have had of its provisions. I am bound to protest against the action of the Government in asking us to take the Second Reading of any Bill on such meagre explanation.

MR. CONYBEARE (Cornwall, Camborne): Identically the same explanation was given the other night.

MR. BROMLEY DAVENPORT: No.

MR. CONYBEARE: I was present and heard it.

Clause agreed to.

Clause 2.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Gibson Bowles.*)

MR. T. M. HEALY (Louth, N.): I wish to ask whether the Rule as to the reception of Motions to report Progress applied after 12 o'clock in the same way as before?

MR. H. GARDNER: I hope the hon. Member who has moved to report Progress will consult his friends. He will learn that this Bill is very much desired in Scotland.

***MR. GIBSON BOWLES**: The right hon. Gentleman has got all the time of the House. He cannot expect us to pass these Bills after midnight.

MR. H. GARDNER: This is a Bill of a character which is never brought on except after midnight.

MR. GIBSON BOWLES: I shall press my Motion.

Motion agreed to.

Mr. H. Gardner

Committee report Progress; to sit again To-morrow.

INDUSTRIAL AND PROVIDENT SOCIETIES BILL.—(No. 294.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. HOWELL (Bethnal Green, N.E.) said, he only asked the House to take a formal step. The Bill must be amended by including Amendments agreed to by the Treasury.

***SIR F. S. POWELL** (Wigan) said, that if it was only desired to take a step *pro formâ* he would not object. But he was sure the Bill would have to be most carefully considered, and it would probably have to be referred either to a Select Committee or one of the Standing Committees.

THE CHAIRMAN: The Question is that the Amendments be inserted.

MR. TOMLINSON (Preston): What are the Amendments?

THE SECRETARY TO THE TREASURY (Sir J. T. HIBBERT, Oldham): They are Amendments agreed to by the Treasury. It is desirable that they should be seen by Members of the House generally before they are added to the Bill.

Amendments inserted.

Bill reported.

SIR F. S. POWELL: I presume the Amendments stand now for consideration?

MR. SPEAKER: Yes. The Bill will be re-committed.

MR. HOWELL: I propose to put it down for Friday next.

Bill to be printed, as amended [Bill 395]; re-committed for Friday.

PROHIBITED PERSONS (DRINK) BILL (No. 372.)

SECOND READING.

Order for Second Reading read.

MR. CONYBEARE (Cornwall, Camborne): What is the object of the Bill?

MR. BILL (Staffordshire, Leek) said, the Bill provided that persons who had been convicted of drunkenness more than twice in the course of a year should be prohibited from entering a public-house. It might be suggested that this was an unusual Bill.

An hon. MEMBER : I object.

Second Reading deferred till Tomorrow.

SACRED MUSIC ON SUNDAY BILL.
(No. 15)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR G. SITWELL (Scarborough) said, he hoped the House would allow the Bill to be read a second time, and that the hon. Member from Scotland who was opposing it would be content with moving in Committee that the operation of the measure be confined to England.

MR. REES DAVIES (Pembroke-shire) : What are the objects of the Bill ?

SIR G. SITWELL explained that under the Lord's Day Observance Act it was impossible for sacred music to be played on Sunday in cases where money was taken at the door. The Bill was to enable sacred concerts to be held on that day and money to be taken at the doors, and so to prevent those promoting such Sunday concerts from being subjected to the heavy penalties imposed by the Lord's Day Observance Act.

LORD F. HAMILTON (Tyrene, N.) asked how on earth it was possible to define what was sacred music ? He himself had heard "Tommy make room for your uncle" sung as a sacred tune. Obviously the definition was difficult, and he hoped the supporters of the Bill would consent to the omission of the word "sacred."

MR. TOMLINSON : I object.

SIR G. SITWELL : I appeal to the hon. Gentleman to allow the Bill to be read a second time.

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MR. TOMLINSON : It is a Bill which clearly requires discussion. I am not going to argue the question now. I must object.

Further Proceeding adjourned.

Debate to be resumed upon Monday next.

FINES IN LIEU OF IMPRISONMENT
BILL.—(No. 203.)

SECOND READING.

Order for Second Reading read.

Objection being taken,

MR. J. G. TALBOT (Oxford University) : I hope the Bill will be allowed to proceed.

MR. T. M. HEALY (Louth, N.) : I should have been happy not to object, but you stopped the Sacred Music Bill.

MR. J. G. TALBOT : It is rather hard on me to object to this Bill because someone else objected to another Bill.

Second Reading deferred till Monday next.

REDEMPTION OF RENT (IRELAND) ACT
(1891) AMENDMENT BILL.—(No. 390.)

SECOND READING.

Order for Second Reading read.

MR. T. W. RUSSELL (Tyrene, S.) said he was authorised by the Chief Secretary to state that he was willing this Bill should pass.

MR. J. HAVELOCK WILSON (Middlesbrough) : I object.

Second Reading deferred till Monday next.

LABOURERS (IRELAND) ACTS (EXTENSION TO FISHERMEN) BILL.—(No. 350.)

SECOND READING.

Order for Second Reading read.

Objection being taken,

*SIR R. TEMPLE (Surrey, Kingston) expressed a hope that the opposition would be withdrawn. The Bill was a simple one. It extended to fishermen certain advantages as to the acquisition

of cottages enjoyed by labourers, and surely it ought not to be opposed. These advantages had been already given to the labourers by several Acts of Parliament. The argument extended equally to fishermen; and the Bill aimed at giving a small though just advantage to industrious men known as Englishmen who had travelled on the Irish Coast.

MR. BROMLEY DAVENPORT: I object.

Second Reading deferred till To-morrow.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 7) BILL.
(No. 375.)

Read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL ORDER (HOUSING OF WORKING CLASSES) (No. 2) BILL.—(No. 370.)

Read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 15) BILL.—(No. 368.)

Read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 16) BILL.—(No. 369.)

Read the third time, and passed.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 9) BILL.
(No. 378.)

As amended, considered; to be read the third time To-morrow.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 12) BILL.—(No. 365.)

As amended, considered; to be read the third time To-morrow.

TRAMWAYS PROVISIONAL ORDERS BILL.—(No. 336.)

As amended, considered; read the third time, and passed.

SALMON FISHERY PROVISIONAL ORDER BILL.—(No. 389.)

Read a second time, and committed.

Sir R. Temple

PUBLIC WORKS LOANS BILL.—(No. 383.)

Considered in Committee, and reported, without Amendment; read the third time, and passed.

SWINE FEVER BILL.—(No. 24.)

Order for Second Reading read, and discharged.

Bill withdrawn.

SPIRITS (BELFAST, CORK, AND DUBLIN).

Return presented,—relative thereto [ordered 24th April; Mr. Arthur O'Connor]; to lie upon the Table.

RUSSIA (No. 2, 1893).

Copy presented,—of Correspondence respecting the seizures of British Sealing Vessels by Russian Cruisers in the North Pacific Ocean [by Command]; to lie upon the Table.

RUSSIA (No. 3, 1893).

Copy presented,—of Despatch from Sir R. Morier enclosing the Reply of the Russian Government in regard to the Seizures of British Sealing Vessels by Russian Cruisers in the North Pacific Ocean [by Command]; to lie upon the Table.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 5) BILL.

Copy presented,—of Memorandum stating the nature of the Proposals contained in the Provisional Order included in the Bill [by Command]; to lie upon the Table.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 6) BILL.

Copy presented,—of Memorandum stating the nature of the Proposals contained in the Provisional Order included in the Bill [by Command]; to lie upon the Table.

PILOTAGE.

Copy presented,—of Abstract of Returns relating to Pilots and Pilotage in the United Kingdom (in continuation of Parliamentary Paper, No. 212, of Session 1892) (as furnished by the various Pilotage Authorities) for the year 1892 [by Act]; to lie upon the Table.

House adjourned at half-past Twelve o'clock.

HOUSE OF LORDS,

Tuesday, 20th June 1893.

The Earl Annesley—Took the Oath.

PLACES OF WORSHIP (SITES) BILL.

(No. 96.)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into Committee on the said Bill."—(*The Lord Belper.*)

LORD HALSBURY said, he had a preliminary question to ask the noble Lord in charge of the Bill—namely whether the omission of the provisions of the Lands Clauses Act or equivalent clauses was intentional or accidental? He asked the question before the House went into Committee on the Bill, as the answer to it would make a great difference to his mind. If it had occurred by oversight, the omission could be easily supplied; but if the Bill was really intended to be in its present shape a very different question would arise.

LORD BELPER said, the Bill had come up from the Commons in its present shape after agreement to a certain extent; and the Lands Clauses Act had certainly been intentionally omitted, because it was thought that the procedure under that Act was so costly and cumbersome that its adoption would, to a great extent, have defeated the object of the Bill.

LORD HALSBURY pointed out that lands were to be taken compulsorily, and there was no provision in the Bill for compensation for damage by severance.

LORD BELPER said, he did not think it was intended that compensation should not be given, but that the Lands Clauses Act was omitted merely because the procedure under it was expensive and cumbersome.

Motion agreed to.

House in Committee accordingly:

Clause 1.

*LORD GRIMTHORPE said, he thought the Preamble would have been better omitted for a reason with which

he would not trouble the House then; but he would move to postpone Clause 1.

LORD BELPER was unable to say anything in reply to the noble Lord, as he had not heard a single syllable he had said.

LORD GRIMTHORPE said, he merely moved to postpone the clause.

LORD BELPER said, he would like to know whether the noble Lord had given any reason for it?

LORD GRIMTHORPE said, he did not give any reason.

THE EARL OF CAMPERDOWN said, he had also been unable to hear what had been said. Were they to understand that no reason was given for the postponement of the clause?

LORD GRIMTHORPE said, it was extremely likely the Preamble might be thought altogether inadvisable. He would not argue that now, but would only point out that if an alteration was made in the Preamble Clause 1 would also require to be altered.

LORD BELPER said, there was no Amendment proposed to the Preamble.

LORD BALFOUR said, he wished to point out that even if Clause 1 were postponed it would still come on before the Preamble.

Clause agreed to.

Clause 2.

*LORD SANDFORD said, he wished to move, in page 1, line 17, after "Ireland," to insert "or Wales." The Amendment would exempt Wales from the operation of the Bill. It had been suggested to him by statements made in another place by two principal Members of Her Majesty's Government. In the Debate on the Welsh Church Suspensory Bill the Home Secretary stated that "the Nonconformists had covered the country with something like 4,000 chapels;" and a short time afterwards he stated that "the adherents of the Church in Wales owned almost the whole of the land there." If sites for 4,000 chapels had been got by voluntary agreement with landlords, who were almost entirely Churchmen, he saw no reason why Welsh Nonconformists should be empowered to compel a few unwilling landowners to sell their land for the purpose of building chapels. Lord Randolph Churchill, in the course of the same Debate, stated that the Nonconformists

were not more than 50 per cent. of the population, and the Prime Minister accepted that, so long as the other 50 per cent. were not claimed as Churchmen. The population of Wales was only 1,500,000, and 4,000 chapels divided among the 50 per cent. would give one chapel for every 31 Nonconformist families. He might mention that about 1,400 schools provided accommodation for the children of Wales, within a distance of some two miles from their homes. He submitted that, a sufficient number of sites for chapels having been acquired by consent, there was no necessity for applying to landowners the thumbscrew of this Bill. Chapels were not only to be provided, but residences also; and the existing ones were very often let in the summer to visitors at a considerable rent. He did not see why land should be seized from owners as a kind of endowment for the ministers of small chapels, who, in many instances, followed profitable secular pursuits during the week. That, he believed, was often the case in Wales. Some very important provisions in the Act of 1873 had been omitted from this Bill in reference to land which ceased to be used for a chapel or residence, as to the limitation of sites to one acre in extent, and as to land not being taken from pleasure grounds or near the private residences of landlords. Those three omissions in a Bill professing to secure the rights of the landowners were very objectionable, and he therefore moved that Wales should be exempted from the operation of the Bill.

Amendment moved, in page 1, line 17, after ("Ireland") to insert ("or Wales.")
—(*The Lord Sandford.*)

LORD BELPER said, he failed to understand how the noble Lord, if he was in favour of the principle of the Bill on Second Reading, could desire now to exclude Wales from its purview. On the Second Reading he rather dwelt upon the case of Wales, because the bulk of the evidence as to the need for this measure came from the Principality. Several of the witnesses for Wales before the Committee on Town Holdings gave evidence specially as to the necessity for such a measure. The noble Lord assumed, from the

number of chapels already existing in Wales, that there was no real necessity for any provision for obtaining sites otherwise than by voluntary means; but there were numbers of instances in which chapel sites could not be got. It was not contended that the powers of the Bill would be used in a vast number of cases; but a number sufficient to show the need for it existed where landlords would not give sites voluntarily; and if evidence were taken on the subject before a Committee, it would be found that the larger number of those cases were in Wales. To leave out Wales, therefore, would be to deal a heavy blow at the practical utility of the Bill, the principle of which was adopted by their Lordships on Second Reading. He hoped the noble Lord would not insist on his Amendment.

LORD HALSBURY said, he hoped that the Amendment would not be insisted upon for a totally different reason. What were properly called the Welsh counties, since the time of Henry VIII., had been a part of England, and he hoped they would always remain so. He did not know such a place as Wales—for the purpose of legislation Wales and England were the same nation. In saying that, he was only repeating the language of one of the Law Officers in the House of Commons.

THE LORD CHANCELLOR (LORD HERSHELL) said, that it was rather late to take exception to Wales being treated as distinct from England; for that had already been done in recent legislation, such as that on Sunday closing, for instance, and various other matters.

LORD SWANSEA said, he must apologise for addressing their Lordships, being only "one day old;" but this Amendment touched him so nearly that he could not forbear appealing to their Lordships most heartily not to pass it. There was no part of the United Kingdom so deeply interested in the Bill as was Wales. That there were so many places of worship in Wales already was no reason why Wales should be excluded from the benefits of the Bill. The County of Glamorgan needed places of worship very much, because the population had increased more rapidly than in any other part of that country. When he first represented that county 38 years ago it had very little over 300,000 in-

habitants, and now it contained over 700,000. He bore testimony to the fact that in almost all cases landowners in Wales had been ready to afford sites for chapels, but there were some cases where it had not been so; and he would ask their Lordships not to except that portion of the United Kingdom which needed the Bill more than any other.

***LORD STANLEY OF ALDERLEY** said, if there could be an excuse for exceptional legislation of this kind anywhere, it was certainly not in Wales, for there almost every hamlet had a chapel, and the chapels mostly had residences attached to them. Besides those in towns and villages, numbers of chapels were dotted about in open spaces all over the country.

Amendment negatived.

Clause agreed to.

Clause 3.

LORD BELPER said, he wished to move an Amendment for the purpose of meeting a fair criticism of the noble Earl the Chairman of Committees with regard to the form of the clause, that it did not state clearly what the purposes were for which the Bill was brought in, and, instead of doing so, referred to another Act of Parliament.

Amendment moved,

In page 1, line 18, to leave out from ("to") to the first ("and") in line 21, and insert ("the acquisition of sites for any church, chapel, or meeting house, or other place of divine worship, and for the residence of a minister officiating in such place of worship.")—(*The Lord Belper.*)

***THE MARQUESS OF SALISBURY** said, he had tried very hard, but could not understand what this Amendment meant. The noble Lord wished to leave out from ("to") to the first ("and") in line 21; but if he would read line 21, he would find there was no ("and") in it. How the noble Lord construed his clause seemed an absolute mystery.

THE CHAIRMAN OF COMMITTEES (The Earl of MORLEY) said ("and") was in line 20.

***THE MARQUESS OF SALISBURY** said, still it was nonsense.

LORD STANLEY OF ALDERLEY said, he had an Amendment to the Bill to leave out ("Church of England"). Several Bills to repeal the Act which

gave the Church the power of compulsorily acquiring sites had been already introduced and blocked by the Dissenters.

LORD BELPER said, he wished to explain that the Amendment had been misprinted—it should be line 20.

***THE MARQUESS OF SALISBURY** said, that even substituting 20 for 21 would not make sense of it.

LORD BELPER said, it was simply a printer's error.

Amendment agreed to.

***LORD STANLEY OF ALDERLEY** said, two things should be excluded from the Bill—one, the acquisition of sites by the Church of England; and the other, the acquisition of sites for houses for Dissenting ministers. No reason had been given why Dissenting ministers should be provided with residences under cost price by exceptional legislation when the clergy of the Church of England had not got so far—they had never asked for it, and would not take it. There was no ground for pretending that any difference existed in obtaining sites either for chapels or for ministers' residences; most of them were already provided, and where required could be obtained by private treaty. The Church of England did not wish to obtain churches by compulsory legislation; for, although they had an Act, they desired to repeal it. Only one case had occurred in which that power had been put in force. It was in Birmingham. There was no need to give it by this Bill, when the Church of England wished to have the existing Act repealed.

Amendment moved,

In page 1, line 18, to leave out ("any of"), and leave out from second ("the") to end of the clause and insert ("purpose of purchasing a site for a chapel or place of divine worship, but not for any other.")—(*The Lord Stanley of Alderley.*)

THE CHAIRMAN OF COMMITTEES (The Earl of MORLEY) said, he wished to point out that those words were already struck out of the clause, and that the question before the Committee was the insertion of the words proposed by Lord Belper. If the noble Lord wished to move an Amendment he must move it on those words.

***LORD STANLEY OF ALDERLEY** said, he would move that the word

("church") be omitted from the Amendment.

Amendment negatived.

***LORD STANLEY OF ALDERLEY** said, he would move to leave out the words ("and for the residence of a minister officiating in such place of worship.")

Amendment moved,

In page 1, to leave out the words ("and for the residence of a minister officiating in such place of worship.")—(*The Lord Stanley of Alderley*.)

LORD BELPER said, he hoped the noble Lord would not press that Amendment. On Second Reading he (**Lord Belper**) pointed out there was a necessity for this power of getting sites for ministers' houses, and quoted three or four cases where sites had been refused, and where, indeed, strong means had been used to prevent a minister even getting a lodging in the neighbourhood where he was to perform religious worship for those to whom he ministered. Having passed the principle of the Bill, he hoped their Lordships would not cut out an important part of it. Sites for ministers' houses were included in the original Bill of 1873.

THE MARQUESS OF SALISBURY said, nobody had any objection, he supposed, to the thing itself; but it was opening up such a strange vista of future grants. He had known instances where an apothecary had not been able to get a house in a town. Ought the apothecary to have Parliamentary assistance to get it? He did not know upon what principle a minister was to have the right above an apothecary. So far as he was personally concerned, he would not offer opposition on the present occasion; but he should like to look into the Acts, and would reserve the right of opposition to a later stage—not because of any objection to the building of ministers' houses, but because it was necessary to see what principles were being opened up by the somewhat novel kind of legislation on which their Lordships were entering.

Amendment negatived.

Lord Stanley of Alderley

LORD BELPER moved in page 1, lines 22 and 23, to leave out ("with the like exception").

Amendment agreed to.

Clause, as amended, agreed to.

Clause 4.

***LORD SANDFORD** moved to insert that such sites should not exceed one acre, and should not be part of a demesne or pleasure ground attached to a mansion house. Those words were in the principal Act of 1873, which their Lordships were now extending. This provision was much called for. Not long ago, in two instances within his knowledge, sites were demanded for Board schools, which were less convenient for the children than others which were offered, on the very ground, as the Inspector stated, that the schools would be an inconvenience to the landlord; and in one of the cases there was the double annoyance that the school would be in sight of both the landlord's and the clergyman's houses. The site also should be limited by adding "not exceeding one acre," because that likewise was in the Act of 1873, and he saw no reason why that limit should be extended.

Amendment moved,

In page 1, line 23, after ("extend") insert ("not being part of a demesne or pleasure ground attached to a mansion house.")—(*The Lord Sandford*.)

LORD BELPER said, he thought that ample protection was afforded by Clause 7, which directed the Local Government Board to have regard to the fact whether other sites might not be obtained, and whether injury would be caused to the owner or occupier of the site. He considered it would be inadvisable to only mention a mansion house, because there were other places, such as business premises, gardens, and small houses, that might be prejudiced if they were not also mentioned. Of course, on the point of principle that objectionable sites should not be demanded he quite agreed with the noble Lord.

THE MARQUESS OF SALISBURY said, in the Allotments Act the term was rather more extensive—that a Provisional Order should not be made for purchasing any park, garden, pleasure ground, or other locality required for the purpose of a dwelling house. Those

seemed to be far better words. It might be quite as unpleasant to a small £10 householder as to a landowner to have a Dissenting chapel built at the entrance of his gardens.

*LORD SANDFORD said, he suggested the words because they were in the Act of 1873. One acre would be ample, and perhaps too much; but he was quite willing to adopt the noble Marquess's suggestion.

LORD HERSCHELL said, it was hardly possible to contemplate an acre being required—nobody dreamt of that, and something much less would do.

LORD SANDFORD said, the Legislature contemplated it in the Act of 1873.

LORD HERSCHELL did not think it would do any harm, but thought that putting in ("an acre") in a Bill of this sort would rather suggest an extensive operation where it was not intended.

THE CHAIRMAN OF COMMITTEES (The Earl of MORLEY) suggested that it would be better to insert this Proviso at the end and take the Amendment first.

Amendment agreed to.

*LORD SANDFORD moved to insert, "Providing that no such site shall extend beyond half an acre."

Amendment moved,

In page 1, to insert ("Providing that no such site shall extend beyond half an acre.")—(*The Lord Sandford.*)

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of KIMBERLEY) said, he hoped the noble Lord would not press this Amendment. It seemed to be open to great objection, because it would become to be thought that an acre was always to be granted in these cases; and it was not to be supposed that a far larger piece of land was to be given than was necessary for the purpose. It would be much better to leave that out.

Amendment negatived.

Clause, as amended, agreed to.

Clause 5.

LORD BELPER moved, in page 2, line 5, after ("district") insert ("on the largest available scale").

Amendment agreed to.

*LORD GRIMTHORPE said, he wished to move, in line 8, to leave out that the notice or requisition must ("purport to") be signed by not less than 20 inhabitants. Otherwise, anybody might get up what he chose to call a requisition signed by 20 people, who need only be described as householders in order to put the machinery in action. The person on whom the notice was served might be some quiet individual who had a horror of litigation, and, rather than fight, would allow himself to be turned out of his premises upon a notice ("purporting to be signed.") Some security ought to, at any rate, be given that the signatures were *bonâ fide*, and the people what they pretended to be.

Amendment moved, in page 2, line 8, leave out ("purport to.")—(*The Lord Grimthorpe.*)

LORD BELPER explained that the reason for these words appearing in the Bill was to prevent any technical failure which might occur if it was incumbent on the Local Government Board Inspector to verify every signature, and in case anyone had gone away or died, or of any other difficulty occurring to invalidate the requisition. That was the sole object of the clause. Probably the difficulty would be met by Clause 11.

*LORD GRIMTHORPE said, they must consider the use that might be made of it, and the noble Lord had not attempted to say anything about that. There was a great contrast between this and other cases of compulsory purchase by public Bodies with funds of their own, or where people had to show their *bona fides* by depositing money and otherwise. Here power was given to put innocent people to great trouble and expense at the instance of some active busybody who chose to go about getting signatures.

THE EARL OF SELBORNE said, he did not appreciate Lord Belper's objection, because the 11th clause would point to the conclusion that the Local Government Board would act reasonably in the case. If anybody objected that the signatures were not what they ought to be, of course the Local Government Board would look into it; but with the words ("purport to be signed") left in it would be sufficient if all the signatures to the requisition were forged. Those words ought certainly to be omitted.

LORD BELPER said, he would not press for their retention after what the noble Earl had said.

Amendment agreed to.

*LORD STANLEY OF ALDERLEY said, he would move to substitute one instead of two miles radius of the site within which the householder signatories must reside. In many places such a provision would give an opportunity of meddling to people at a greater distance than there was any reason for.

Amendment moved, in page 2, line 10, leave out ("two") and insert ("one.")—(*The Lord Stanley of Alderley.*)

LORD BELPER said, he did not think any good purpose would be gained by the substitution of one mile for two. Originally the Bill applied to parishes and adjoining parishes; but, owing to their size, that was thought too vague, and after consultation this was inserted. One mile, it was obvious, would not, in many cases, be sufficient to cover the ground to which the church or chapel applied; and many requisitionists for a place of worship might live more than one mile from the proposed site. This Proviso as to distance only applied to requisitionists, and had really nothing to do with what afterwards took place.

THE EARL OF CRANBROOK said, he wished to point out the great difference between populous places and country districts. In the former a radius of two miles was an enormous distance for obtaining signatures, while in country places there might be no objection whatever.

Amendment negatived.

*LORD GRIMTHORPE said, he wished to move, in the same clause, an Amendment to the effect that every person signing the requisition should thereby become liable to the owners, lessees, and occupiers on whom it was served for all costs and expenses which they might reasonably incur in consequence thereof. He said that his object was to secure to the person whose land was required that *bonâ fide* persons, worth powder and shot, were making the application, and that those who signed the requisition should be made to feel that they were incurring some responsibility. He wanted to prevent people going round

and getting signatures without difficulty from persons who might probably be selected because they were insolvent. Considerable cost might be incurred before a Provisional Order was obtained; and it might not be even sanctioned by the Local Government Board, and some security ought to be given that that expense should not be incurred at the instance of irresponsible people.

Amendment moved,

In line 11, after ("site") insert—"And every person signing the requisition shall thereby become liable to the owners, lessees, and occupiers on whom it is served for all costs and expenses which they may reasonably incur in consequence thereof."—(*The Lord Grimthorpe.*)

LORD BELPER said, the noble and learned Lord's Amendment referred only to the requisition to the landowner, to be signed by the people in the neighbourhood, showing that a chapel was wanted. It had nothing to do with the memorial to be sent to the Local Government Board. It was difficult to see what trouble there could be in connection with the requisition beyond the landowner having possibly to consult his agent—certainly there could be no expenditure. If poor people who might be asked to sign a paper supposed they were to be made answerable for expenses incurred afterwards they would not be inclined to sign it at all; and if such a penalty were to be imposed in connection with the requisition to the landlord signatures would not be obtained from poor people.

*LORD GRIMTHORPE said, he wanted to prevent such a class of people from having anything to do with the matter, and to provide that those who had any connection with it should be *bonâ fide*.

LORD HERSCHELL said, no such protection, surely, was needed for the mere purpose of the requisition. He could understand the point being raised if it related to the memorial on the subsequent proceedings; but this was merely to inform the landlord that the want existed. What expense would that necessitate? To tell people that they might become liable for all costs and expenses would simply frighten them without doing good to anybody. Any costs and expenses must be very trifling.

THE MARQUESS OF SALISBURY said, he did not think that all people looked on costs and expenses with the same kind of philosophy as the noble and learned Lord. In country places the effect would probably be that the Bill would never come into operation at all, and 20 men would never be got to sign. He should feel very strongly the force of the objection as regards the memorial; but he thought it should not apply to incurring merely nominal expense.

A noble LORD said, he would propose, if necessary, to add the words "incurring merely for their own convenience."

*LORD GRIMTHORPE said, he thought the noble Marquess's suggestion was best, that something of the kind should be inserted in a later clause in reference to the memorial.

Amendment negatived.

THE EARL OF SELBORNE moved, after ("Schedule") to insert ("A.") as he proposed to move the addition of another Schedule. The alteration was necessary now, as no one would have the right to alter a formal clause which had passed through Committee. The addition could do no harm even should their Lordships not adopt the second Schedule.

Amendment moved, in page 2, line 11, after ("Schedule") insert ("(A.)").—*(The Earl of Selborne.)*

THE EARL OF KIMBERLEY said, he thought this would be very inconvenient, for if ("A.") were inserted the Amendment might have to be discussed afterwards quite unnecessarily. If the noble and learned Earl carried his second Schedule it could then be put in.

THE EARL OF SELBORNE said, he wished to point out that the insertion of ("A") would be perfectly rational even if there were no ("B").

THE EARL OF KIMBERLEY said, he was informed that it would be put in by the Clerk of the House.

THE EARL OF SELBORNE said, in that case he would not move the Amendment.

Amendment (by leave of the Committee) withdrawn.

THE EARL OF CRANBROOK said, he desired to call attention to the Proviso that a plan should be pro-

duced without anything being said about architectural design. It was not unreasonable that an owner should know what kind of building was going to be erected on the land. Even in country districts it might considerably affect the attitude of a landowner if he saw that an æsthetic building was to be put up instead of those obnoxious buildings which everyone was familiar with.

LORD BELPER said, he quite saw the point of the suggestion. This clause only referred, however, to the requisition. Probably the Local Government Board would consider that.

THE EARL OF CRANBROOK said, he wanted to avoid having to go to the Local Government Board. If an owner saw that a suitable building was going to be erected, he might not have the same objection as if an ugly building was going to be put on the land.

LORD HERSCHELL said, it was not until six months after the requisition was sent in that application was to be made to the Local Government Board; and, therefore, there would be plenty of time for the landowner to consider whether he would give his consent or not.

LORD BELPER said, he would certainly consider that point.

Clause, as amended, agreed to.

Clause 6.

*LORD STANLEY OF ALDERLEY said, he had an Amendment on this clause which, if Lord Grimthorpe's Amendment was adopted, would not be necessary. The question was, who should be responsible for the costs—those who signed the requisition, or those who signed the subsequent memorial? If the latter, two men of straw might be put up to sign it.

Amendment moved, in page 1, line 16, to leave out ("any two or more of.")—*(The Lord Stanley of Alderley.)*

LORD BELPER said, he understood the Amendment to mean that the whole of the requisitionists should sign the memorial; but some of them might have left the neighbourhood or have died before the six months elapsed, while, as the clause stood, two of them might sign it.

Amendment negatived.

THE EARL OF CAMPERDOWN asked whether the clause should not be altered by the insertion of words to make the signatories of the memorial responsible for the necessary expenses.

LORD BELPER suggested that that might be considered at a later stage.

LORD HALSBURY asked whether it would not be reasonable that there should be some security in reference to persons presenting the memorial, not being necessarily those who had signed the requisition? He appreciated the objection that some might have left the district or died; but, surely, some additional security of *bona fides* should be given. He would move this in Standing Committee, unless the noble Lord would take notice of that reasonable requirement that someone beyond the two persons mentioned should be responsible.

LORD BELPER said, he would consider the point.

Clause agreed to.

Clause 7.

THE EARL OF SELBORNE said, it was at least as desirable that the form of Order to be made by the Local Government Board as the form of requisition should be the subject of a Schedule. He thought some form of Order should be prescribed by the Act.

Amendment moved,

In page 2, after line 30, to add—"An order made under this Act shall be in the form contained in the Schedule (B.) to this Act."—(*The Earl of Selborne.*)

LORD MONKSWELL said, the Local Government Board considered a second Schedule quite unnecessary. It was not usual, in matters of this kind, that the Local Government Board should be told what form they should adopt; and they thought it ought to be left to them.

Amendment (by leave of the Committee) withdrawn.

LORD BELPER said, he had an Amendment to give further directions to the Local Government Board as to the chief circumstances which they were to regard in determining upon the memorial. This was desirable after the criticisms made on Second Reading in reference to accommodation already available in the neighbourhood. It was clearly somewhat difficult to say within what distance that accommodation was recognised.

He had, therefore, adopted the words "a reasonable distance."

Amendment moved,

In page 2 line 33, after ("including ") to insert ("the accommodation already available within a reasonable distance for religious worship for members of the same denomination.")—(*The Lord Belper.*)

*THE MARQUESS OF SALISBURY asked was that quite sufficient, because it said nothing of the numbers of the denomination? Surely there should be some reference to the number of persons requiring the intervention of Parliament to give them this special accommodation. Their Lordships would not, for 10 or 20 persons, allow these powers to be set to work. This Bill was to remedy cases of genuine grievance. He did not propose to move an Amendment then; but he thought the matter should be regarded in Standing Committee. He would also point out that the words at the end of the clause as to undue injury caused to other property owned, leased, or occupied by the owner, lessee, or occupier would require some alteration. He did not see why adjacent owners were not to be protected.

Amendment agreed to.

*LORD STANLEY OF ALDERLEY said, he wished to move to omit the word ("undue") where injury was done to property. Objection was made on Second Reading that this might lead to difficulty. The word "undue" was one of the most honest in the Bill, since due injury referred to the hideousness of chapels, and undue would mean additional injury.

Amendment moved, in page 2, line 34, leave out ("undue.")—(*The Lord Stanley of Alderley.*)

THE MARQUESS OF SALISBURY said, he did not know what ("undue injury") meant.

LORD BELPER said, the point was whether the Local Government Board were to be directed to refuse to sanction a scheme which would cause undue or unnecessary injury? Of course, any injury must be considered. In some cases a slight injury might be done to the general appearance of an estate, and that would be an element to some extent to be considered; but a slight injury of that kind ought not to absolutely debar the Local Government Board from giving permission. Their Lordships should

leave it to the discretion of the Local Government Board to take into consideration what injury was done by taking the property.

***LORD GRIMTHORPE** said, there was no such thing as undue injury in any of the compulsory Acts. Provision was made in the Acts where property was injuriously affected; but it had never been held that a man could not recover compensation because the injury done was, in somebody's else's opinion, more or less undue.

LORD HERSCHELL said, he would remind the noble and learned Lord that property could be taken for public purposes, however due or undue the injury might be. Of course, the owner must be compensated. This provision was only in case of undue injury, and then a refusal might be given altogether to allow the building.

LORD HALSBURY said, he must press for an explanation of ("undue") in the interest of Judges who might hereafter have to consider the point.

EARL CADOGAN said, he wished to ask, if nobody could give an explanation of what ("undue injury") was, whether their Lordships could be informed what due injury might be?

THE EARL OF SELBORNE said, he quite agreed in the criticism made. All injury was undue, having regard to previous rights; and what might be reasonable, looking to the intention of the Bill, would be very difficult to define. He could imagine no worse word for the purpose than this, and the reasons for leaving it out seemed to preponderate.

Amendment agreed to.

***LORD STANLEY OF ALDERLEY** moved to add to the clause property adjacent to the site which might be injured. Otherwise rival chapels might be built, and an adjacent owner would have reason to complain of the erection of the Salvation Army Chapel.

Amendment moved, at end of clause, to insert ("or to other property adjacent to the site.")—(*The Lord Stanley of Alderley*.)

***THE MARQUESS OF SALISBURY** asked whether it was necessary to put in these words? What the noble Lord wished to do was to take into consideration whether injury should be caused to other property or not, and the clause

might be left as it was. It was not a question of imposing obligations—it was simply a matter which the Board were to consider.

Amendment negatived.

Further amendment proposed,

At end of clause to leave out the words "owned, leased, or occupied by the owner, lessee, or occupier of the site."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 8.

Amendment moved,

In page 2, line 39, leave out from ("determined") to the end of the clause, and insert ("in accordance with the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, with respect to the purchase and taking of land otherwise than by agreement.")—(*The Lord Stanley of Alderley*.)

LORD BELPER said, he had stated in answer to Lord Halsbury, before the House went into Committee, the reason why the Lands Clauses Act had been left out of the Bill—that very small sums of money were likely to be dealt with; and it was felt that poor people asking for a small site and paying very small amounts of purchase money should not be brought under the cumbrous and expensive machinery of that Act. It was in accordance with the provisions of the Arbitration Act of 1889. He hoped their Lordships would not insert the Amendment.

LORD HALSBURY said, the noble Lord was under some misapprehension. As it stood, the section as to arbitration in the Act was simply in skeleton. It gave no ambit of inquiry to the arbitrators—that had to be settled by the parties. All they would have to inquire was the price of the land. All those circumstances which would be open for inquiry under the Lands Clauses Act would not be open here at all. There were no provisions on the subject; and, therefore, either the provisions of that Act or some equivalent provisions should be inserted. Unless Lord Belper could see his way to that he should support the Amendment.

LORD HERSCHELL said, he could not see the necessity for inserting all the machinery of the Lands Clauses Act providing for notices to be given for the choice of a jury or arbitration and other things, because this would really be the most simple matter in the world. The Arbitration Act provided the necessary

machinery, and as to how the matter was to be determined. The Lands Clauses Act dealt with all sorts of large matters; but this Bill was for acquiring small sites at small expense under the sanction of the Local Government Board. What more could be demanded than the amount to be paid for the site? That provided for, all that was necessary had been done.

LORD HALSBURY pointed out that in the Allotments Act a similar measure—the Lands Clauses Act—was involved.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of Kimberley) said, he was only too well aware of that, and there was a growing feeling on the point, as was known to everybody interested in allotments. A case had occurred in his own county, where a prodigious sum had to be paid for half-an-acre of land. Many people had come to the conclusion that it was absolutely impossible to put the compulsory powers in force on account of the enormous expense entailed by the introduction of the Lands Clauses Act. If their Lordships were determined to upset this Bill they could not adopt a surer method of doing it than to insert the Lands Clauses Act.

*THE MARQUESS OF SALISBURY suggested that it was not merely allotments they were dealing with, but matters of far greater value. Supposing, for instance, the Roman Catholics—who, he believed, were very badly provided with sites—should wish for a site in the neighbourhood of London, and wanted a quarter of an acre for that purpose, a large sum of money would be dealt with, and that could not be done in the summary manner contemplated by the noble Lord. And it was not only the largeness of the sum; but there were questions of rights and tenures to be dealt with. Their Lordships had every desire that this Bill should work; but they could not on that ground disregard rights which for 60 years had been secured in every case where land had been taken compulsorily.

THE EARL OF KIMBERLEY said, that Clause 9 provided for the distribution of the money and for its proper application. No doubt, there were some sites of great value; but if their Lord-

ships desired that people should take advantage of the Bill the introduction of the Lands Clauses Act was a matter of enormous importance. If it must be introduced as a kind of Ark of Salvation, let it be introduced; but he warned the House that it would put an end to the Bill.

*THE MARQUESS OF SALISBURY said, he could not see why an arbitration under the Lands Clauses Act should cost more than an arbitration under the General Arbitration Act. It would not do to say that there might be no considerable sums to be dealt with in these cases; and it was a very strong thing to say they were not only to give compulsory powers in these cases, but to give them with less protection to owners of property than in all other cases. He could not see the consistency of objecting to the adoption of the ordinary form.

LORD HALSBURY said, he wished to know, before they went further, whether Lord Belper would consent to introduce some equivalent clause in reference to compensation for settlements, compensation for injuriously affecting adjoining lands and otherwise, because that would very much determine his vote? This was simply a question of taking the land and as to the value of that land *per se* without regarding any rights or tenures whatever.

LORD HERSCHELL said, he did not so read it. The purchase money was to be paid as compensation for the sale; and full compensation was paid for what was got to the persons from whom it was obtained.

LORD BELPER said, he had no wish that the land should be taken without proper compensation being paid. He had explained that the sole object of not putting in the Lands Clauses Act was to prevent large expenditure in small cases. He would be happy to consider whether words could be introduced to meet the objection raised; but he hoped their Lordships would not insert the Lands Clauses Act.

LORD HALSBURY said, he hoped that the Amendment would not be pressed to a Division.

Amendment negatived.

LORD HALSBURY said, he understood the Amendment was withdrawn on the understanding, in answer to the

appeal of the noble Earl, that some words would be inserted in Standing Committee upon the subject.

THE EARL OF KIMBERLEY said, he had not responded to the appeal, which he thought ought to have been made to the noble Lord in charge of the Bill.

LORD BELPER said, he had expressed his willingness to consider whether the clause, as it stood, properly met the objection raised that certain damage might not be compensated for. He had not undertaken to bring up any words whatever in Committee, but would consider the point.

*THE MARQUESS OF SALISBURY said, if the noble Lord should be unable to find any clause that would give adequate security it would be open to their Lordships to make the amendment at a later stage.

Clause, as amended, agreed to.

THE EARL OF SELBORNE said, he desired to submit to their Lordships, after Clause 8, the insertion of a new clause providing that within three months of the commencement of a Parliamentary Session a Bill should be introduced to confirm any Order made under the Act setting forth the Order in a Schedule, and providing that if petitioned against the matter should be referred to a Select Committee. This, with a very slight verbal Amendment, was the same as that moved in Standing Committee in the House of Commons and rejected only by a majority of 4, the votes being 16 to 20. The object was that the Order of the Local Government Board should not take effect until confirmed as a Provisional Order or by Act of Parliament, and giving the opportunity to those interested of petitioning against it in the meantime, the Petitioners being allowed to appear and oppose before a Select Committee, as in the case of Private Bills, and the persons subscribing the Memorial to be deemed the promoters. The Committee would, of course, take into consideration whether the circumstances justified the opposition to the Bill, and award costs accordingly. The reasons in favour of the clause were, first, that it was in accordance with precedent in cases where the public interest was concerned. A clause was contained in the Elementary Education Act of 1870

similar to this as regarded acquiring sites for Board schools, and there it was provided that no Order so made should be valid unless confirmed by Act of Parliament, and that the Education Department might obtain such confirmation. That in substance was the same thing as he now proposed. The compulsory powers under the Public Health Act, 1875, and the Allotments Act, 1887, were all subject to confirmation in the same way. It was a very serious thing to depart from that course, and, in effect, to give a Government Department compulsory powers without appeal for taking land. The more the purpose in view deviated from a public purpose the stronger the objection appeared to be. No doubt at the head of Government Departments there would always be men desirous of doing their duty as they ought; but, nevertheless, it was most objectionable to give such powers to a Government Department without appeal. He could not admit that rights which required compulsory powers to interfere with them ought to be treated more lightly in this than in other cases merely for the purpose of cheapening the process. The proposed clause would effectually discourage any vexatious or unreasonable opposition to a Bill which would, of course, be promoted at the public expense, and not at the private expense of the Petitioners for the Order, because the Committee would take into consideration the circumstances justifying the opposition and give costs accordingly. That would be sufficient to deter any unreasonable use of the power of opposition to the Provisional Order, which there was no reason to suppose would frequently occur.

Amendment moved,

After Clause 8, to insert new clause—"The Local Government Board shall, within three calendar months from the beginning of the Session of Parliament in any year, cause to be introduced into either House of Parliament a Bill for the confirmation of any Order made by them under this Act; and the Order to be confirmed shall be set out at length in a schedule to the Bill; and, until confirmed by Act of Parliament, an Order under this Act shall have no force or effect.

"If any Petition is presented by any person interested to either House of Parliament against any Order made under this Act during the progress through Parliament of the Bill for confirming the same, and before such Bill shall have been committed, the Bill, so far as relates to such Order, shall be referred to a Select Committee, and the Petitioners shall be allowed to

appear and oppose as in the case of Private Bills; and the persons whose names shall be subscribed to the Memorial shall be deemed to be the promoters. The Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by the circumstances; and shall award costs accordingly, to be paid by the promoters or the opponent of the Bill, as the Committee may think just."—(*The Earl of Selborne.*)

***LORD MONKSWELL** said that, in the opinion of the Local Government Board, if the principle of the noble Earl's Amendment was accepted, the proper way would be to provide that the Orders under the Bill should be made provisional until they were confirmed by Act of Parliament. It would, however, be inconvenient to require the Orders to be confirmed by Parliament within three calendar months from the beginning of the Session, because at the present if Parliament met in November the time was extended to May, whereas the noble Earl's Amendment would make it extend only to February. Section 297 of the Public Health Act would be applicable. He did not know exactly how it should be drafted.

THE EARL OF SELBORNE said, he thought it would do as it stood.

LORD HERSHELL said, that was supposing the principle of the Amendment were accepted; but he ventured to think that it was not really necessary to insert it. He could not share in the alarm the noble Earl expressed lest a Public Department, acting in the full light of day, should not really deal with these matters justly and properly. In truth, these proceedings by Act of Parliament where opposition occurred were enormously expensive. It was all very well to say that the Committee might award costs, but that would not put back into people's pockets the money they had expended in promoting a proceeding of this sort, even should the Committee consider the opposition unreasonable. Such a clause would certainly deter people from having anything to do with the provisions of the Bill at all. Some landlords might be of a litigious disposition, and be willing to spend a considerable sum in opposing the measure in both Houses of Parliament, and so put the parties to great expense. In that case they would have to bear a ruinous amount of costs. It was quite true the practice had been to pro-

vide for the confirmation of these Orders by Act of Parliament; but it was worthy of consideration whether that was essential in all cases, and whether a matter of this kind might not be left to a Public Department which would inquire into all the circumstances.

THE EARL OF CRANBROOK asked, whether the Local Government Board proposed that in all cases confirmation should be given by Act of Parliament?

***LORD MONKSWELL** said, no. His previous observation merely went to this: that if there should be confirmation by Act of Parliament, it should be under a clause differently drafted from that proposed by the noble and learned Earl.

THE EARL OF CRANBROOK said, that if their Lordships thought an Act of Parliament was preferable, it was desirable they should have the matter fully before them, so that they might decide this point.

THE EARL OF KIMBERLEY said, the question was one of opinion, in the first place, whether or not these purchases should be confirmed by Provisional Order. The wording of the clause was quite immaterial, the first question being whether a Provisional Order should be required at all.

THE EARL OF SELBORNE said, he quite agreed with the noble Earl. He was willing to strike out from his Amendment the words "three calendar months from the beginning of a Session of Parliament" in any year. Subject to that, the clause was admitted by his noble Friend to be a better form. If the House should adopt it, it might, of course, be improved at a later stage; and he thought a Division might properly be taken upon it now. It looked very much as if the practice of obtaining Provisional Orders was to be gradually superseded by giving compulsory powers to the Local Government Board, and to that he was inflexibly opposed.

LORD BELPER said, he must point out that the purposes here were not on all-fours with those for which the Local Government Board Provisional Order and Act of Parliament procedure had been arranged. The small amounts involved would really not justify so extensive a procedure. If this clause were added to the Bill it would practically become inoperative, because the poor people requiring these sites for their places of

worship would be unable to enter upon Parliamentary proceedings which might land them in heavy expense. He did not question that this was making a slight departure from the ordinary procedure; but he did not believe their Lordships wished to make the Bill a dead letter. He hoped they would see their way to leave this power in the hands of the Local Government Board, which, from the way they generally conducted inquiries, might be relied upon not to abuse it for political purposes.

On Question? Their Lordships divided:
—Contents 55; Not Contents 27.

Amendment agreed to.

Clause 9.

Consequential verbal Amendments made.

Clause 10.

*LORD SANDFORD said, he wished to propose Amendments taken from the Act of 1873, with the view of securing that, in case land conveyed under the Bill should at any time be used for other purposes than those for which it was acquired, it should immediately revert to and become a portion of the estate of the then owner, without his having to repay the amount which had been paid to him for such land.

Amendment moved,

In page 3, line 19, after ("Act") to insert ("or any part thereof"), and after ("time") to insert ("be used for other purposes, or"); line 20, after ("cease") to insert ("for a year"), and after ("Act") to insert ("the same shall immediately revert to and become a part of the estate of"); line 22, after ("several") to leave out the rest of the clause.—(*The Lord Sandford.*)

LORD BELPER said, he understood the Amendment to mean that the land should revert back without any payment whatever by the landlord. The land having been paid for, he really could not see why the landlord should get it back without a fair payment being made for it.

*LORD SANDFORD explained that when he put down the Amendment the amount of land to be taken compulsorily was unlimited. Two or three acres might be let, say, for allotments by the Dissenting minister from a large site, which he would probably call his glebe, and that would be stopped by the pro-

vision against any part of the land being used for other purposes.

LORD BELPER said, he did not think the leave to purchase would ever be given under such circumstances, if the glebe was to be used for other purposes. He hoped their Lordships would not alter the clause, as it had been practically agreed to by both sides.

Amendment negatived.

*LORD SANDFORD said, the clause should not be allowed to stand as it was, and he would advise his noble Friend to reserve dealing with the clause for the Standing Committee, as he thought it required further looking into.

Clause agreed to.

Clauses 11, 12, and 13 agreed to.

Clause 14.

LORD BELPER, in this clause, as to minerals remaining the property of the vendor, moved to leave out ("surface works") and insert ("buildings thereon,") in the sentence—

"Provided that the vendor shall only work them upon paying due compensation for any injury to the surface or surface works."

Amendment agreed to.

*LORD GRIMTHORPE moved to leave out the clause, and to insert that "the rights of the vendor and purchaser in regard to minerals should be the same as under the Railway Clauses Act." By the clause, as it stood, owners were to be deprived of their minerals, because, although they are to remain the property of the vendor, he is to be prohibited from working them, and yet is to get no compensation. That was contrary to every principle which had hitherto been laid down.

Amendment moved.

To leave out the whole Clause and insert "The rights of the vendor and purchaser as to minerals shall be the same as under the Railway Clauses Consolidation Act."—(*The Lord Grimthorpe.*)

LORD BELPER said, he was at the disadvantage of not having heard a single word the noble and learned Lord had said; but he concluded the proposal was to make the purchaser responsible for any damage which might be done by the landowner working the minerals—that if the church or chapel was, or any

house built on the land, damaged and fell down, the purchaser would have no remedy. Their Lordships knew the difficulties sometimes arising under these clauses in reference to railways and other public undertakings; and he hoped they would not load the Bill by putting in these small matters an onus of that sort on the purchaser, who would, of course, have no means of watching to see whether any mines might be extending under his building or not.

LORD HALSBURY said, he thought the noble Lord hardly appreciated the suggestion of Lord Grimthorpe.

LORD BELPER said he had not heard it.

LORD HALSBURY said, that under the clause as it stood the vendor was not to be paid for the minerals, and they were to remain his property, but he was not to be allowed to work them; if he did so, and caused any injury to the surface rights in working such minerals, he was to be called upon to pay compensation. In the ordinary case, if an owner had land taken from him by a Railway Company, he was entitled to be paid for the minerals, or else he had a right to work them, even at the risk of bringing the surface down. This clause would reverse the whole policy of the law in that respect, and he could not, therefore, support it.

LORD HERSCHELL said, it would be better to leave the clause as it was than to introduce the Railway Clauses legislation with regard to minerals which had not proved very satisfactory. They had given rise to not a little litigation, and had not been considered a model of legislation. In his opinion, the law was well settled, that if land were sold and the minerals reserved the owner could not interfere with the surface and with the buildings thereon unless the right to do so were expressly reserved.

LORD HALSBURY had said nothing inconsistent with that.

LORD HERSCHELL said, he was glad his noble and learned Friend agreed with him, and it seemed better to leave the clause as it was than to introduce the Railways Clauses Act.

*THE EARL OF NORTHBROOK said, that, having been Chairman of the Commission on Mining Royalties, his impression was that the clause as it stood was entirely in accordance with the re-

commendation of the Commission on that point. The owner had a right to work the minerals, but must pay the surface owner for any damage occasioned thereby.

On Question? Their Lordships divided:—Contents 20; Not-Contents 25.

Amendment agreed to.

Schedule.

*LORD GRIMTHORPE said, he was unaware that they had yet got so far as to call the Church of England a denomination, and as the Schedule stood a question might arise as to whether the Church of England was intended. It was stated on Second Reading that the Church of England had already power to acquire sites compulsorily. He would remind their Lordships that some years ago this very question was discussed, and he then satisfied their Lordships that the Church of England had no such power. In that he was backed by much higher authority than his own. If all Religious Bodies were to be put on the same footing the Schedule ought to be so framed that no doubt could arise. Nobody could be offended if it were put in the form, "We, the undersigned members of the Church of England, or the," and then leave the blank to be filled up by whatever designation the requisitionists adopted.

Amendment moved,

In line 2, after ("of the") to insert ("Church of England or the"), and leave out ("denomination of").—(*The Lord Grimthorpe.*)

LORD BELPER said, the Bill did refer to the Church of England. If the noble and learned Lord wished to provide that the Church of England should be put before other denominations, he had not the slightest objection. It might be put "We, the undersigned members of the Church of England," or whatever the denomination might be.

LORD GRIMTHORPE said, that was exactly what he suggested.

LORD BELPER said, he thought if the words "or of the denomination" were left in they would make better English.

*LORD GRIMTHORPE: The reason he proposed to leave them out was that it would be better to leave the parties to fill in the form for themselves. The

Roman Catholics, he supposed, would not like to be called a denomination, and they should be left to call themselves what they pleased.

THE EARL OF KIMBERLEY said, it was rather too late for the noble and learned Lord to bring in his Amendment, and it would be better to leave the Schedule as it was. The matter could be considered in Standing Committee. It was merely a question of wording in a matter upon which all were agreed.

*LORD GRIMTHORPE assented that it should be done in Standing Committee.

LORD BELPER said, the Bill already referred to the Church of England, and there was no reason why it should not stand as it was.

LORD GRIMTHORPE said, the noble Lord did not quite realise the point. The Church of England was a legal and recognised title, but he did not know that there was any well-known and recognised title for the various other Religious Bodies—he was quite sure there was not for some of them. That was the reason for his Amendment.

THE EARL OF KIMBERLEY said, he opposed putting these words in because the Schedule would then not be at all satisfactory. Perhaps the noble and learned Lord would be content to leave it for Standing Committee, as there was no real question in it—it was merely a matter of words.

LORD BELPER said, he would consent to put in any proper words in Standing Committee.

Amendment (by leave of the Committee) withdrawn.

*LORD GRIMTHORPE said, he doubted if “grant” was the right word to be used. It was used in the former Acts because they enabled people to convey estates without any sale at all; but in this case there would be no grant in the ordinary sense of the word, and therefore it would be better to put in some such word as “sell.”

Amendment moved in line 6, leave out (“grant”) and insert (“sell.”)—(*The Lord Grimthorpe.*)

LORD HALSBURY said, the word “grant” under the Conveyancing Act included “convey.”

THE MARQUESS OF SALISBURY said, he desired to draw the noble Lord's

attention to the fact that the Schedule differed in rather an important particular from the Amendment he had previously inserted in Clause 3 as a definition of the objects of the Act—the acquisition of sites for any church, chapel, meeting house, or other place of Divine worship, or for the residence of the minister officiating in such place of Divine worship. Therefore, according to those words, the residence was only to be provided in conjunction with the chapel to be built at the same time. But the Schedule went much further: it said—

“To grant the site shown on the annexed plan as a site or for the enlargement of a site for the residence of a minister officiating in that or any other place of worship within one mile of such site.”

That was a very large increase in the operation of the Bill to be introduced simply in a Schedule in this way. He did not ask the House to pronounce then upon it, but to consider it at a future stage.

LORD HERSCHELL said, he was not quite sure that the noble Marquess had not misapprehended the scope of Clause 3 as amended. He did not understand it to mean that the site must be acquired for a chapel and for the residence of the minister of that chapel. He thought the construction of the clause would apply generally to any and not to a particular chapel.

THE MARQUESS OF SALISBURY said, that might be the construction in law, but it was not English.

LORD BELPER said, that was certainly what he intended—to make it the same as the Schedule, but he would consider the point.

Schedule agreed to.

Preamble.

Verbal Amendments.

Bill re-committed to the Standing Committee; and to be printed as amended. (No. 159.)

NULLUM TEMPUS (IRELAND) ACT, 1876,
AMENDMENT BILL [H.L.]

An Act to explain the Nullum Tempus (Ireland) Act, 1876—Was presented by The Lord Morris; read 1st; to be printed; and to be read 2nd on Monday next. (No. 157.)

ELEMENTARY EDUCATION (RELIGIOUS INSTRUCTION) BILL.—[H.L.]

Reported from the Standing Committee with further Amendments; and Bill to be printed as amended. (No. 158.)

**WEIGHTS AND MEASURES BILL.
(No. 112.)**

Reported from the Standing Committee without Amendment; and to be read 3^a on Thursday next.

DUCHY OF CORNWALL BILL.—(No. 145.)

Reported from the Standing Committee without Amendment; and to be read 3^a on Thursday next.

GAS ORDERS CONFIRMATION (NEWENT, &c.) BILL.—[H.L.]—(No. 84.)

House in Committee (according to Order): Amendments made: Standing Committee negatived: The Report of Amendments to be received on Thursday next.

GAS ORDERS CONFIRMATION (BROM-YARD, &c.) BILL [H.L.]—(No. 85.)

Amendments reported (according to Order), and Bill to be read 3^a on Thursday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 10) BILL.—(No. 140.)

House in Committee (according to Order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Thursday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 11) BILL.—(No. 141.)

House in Committee (according to Order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a on Thursday next.

**LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 3) BILL.
(No. 113.)**

House in Committee (according to Order): Bill reported without Amendment: Standing Committee negatived: and Bill to be read 3^a on Thursday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 2) BILL.—(No. 61.)

Read 3^a (according to Order), with the Amendments, and passed, and returned to the Commons.

WATER PROVISIONAL ORDERS (No. 1) BILL.—(No. 136.)

Amendments reported (according to Order), and Bill to be read 3^a on Thursday next.

PUBLIC WORKS LOANS BILL.

Brought from the Commons; read 1^a; and to be printed. (No. 160.)

COUNTY OF THE CITY OF GLASGOW BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 161.)

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 7) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 162.)

LOCAL GOVERNMENT PROVISIONAL ORDER (HOUSING OF WORKING CLASSES) (No. 2) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 163.)

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 15) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 164.)

LOCAL GOVERNMENT PROVISIONAL ORDER (No. 16) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 165.)

LOCAL GOVERNMENT PROVISIONAL ORDER (POOR LAW) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 166.)

TOWCESTER AND BUCKINGHAM RAILWAY
(ABANDONMENT) BILL.

BARRY RAILWAY BILL.

METROPOLITAN OUTER CIRCLE RAILWAY
(EXTENSION OF TIME) BILL.

LOCAL GOVERNMENT (IRELAND) PRO-
VISIONAL ORDER (NO. 4) BILL.—(NO. 126.)

LONDON AND NORTH-WESTERN RAILWAY
BILL.

CITY AND SOUTH LONDON RAILWAY
BILL.

WATERLOO AND CITY RAILWAY BILL.

EDUCATION PROVISIONAL ORDER CON-
FIRMATION (LONDON) BILL [H.L.]
(NO. 94.)

Report from the Committee of Selection,
That the following Lords be proposed to the
House to form the Select Committee for the
consideration of the said Bills—namely,

M. Bristol,
V. Strathallan,
L. Fingall (E. Fingall),
L. Wantage (Chairman),
L. Llangattock ;

agreed to ; and the said Lords appointed
accordingly : The Committee to meet on
Tuesday next, at Eleven o'clock ; and all
petitions referred to the Committee, with leave
to the Petitioners praying to be heard by
counsel against the Bills to be heard as desired,
as also counsel for the Bills.

House adjourned at ten minutes before
Eight o'clock, to Thursday next,
a quarter past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 20th June 1893.

SELECTION.

Ordered, That Mr. Stuart Rendel be
added to the Committee of Selection.—
(*Sir John Mowbray*.)

NEW WRITS.

For County of Cork (North Eastern
Division), *v.* Michael Davitt, esquire,
Chiltern Hundreds.

For County of Cork (South Eastern
Division), *v.* John Morrogh, esquire,
Chiltern Hundreds. — (*Sir Thomas
Esmonde*.)

VOL. XIII. [FOURTH SERIES.]

MESSAGE FROM THE LORDS.

That they have agreed to—Housing of
the Working Classes (Edinburgh) Pro-
visional Order Bill, Local Government
(Ireland) Provisional Order (No. 5) Bill,
without Amendment ; Electric Lighting
Provisional Orders (No. 4) Bill, with
Amendments.

Sea Fisheries.—That they do give
leave to the Lord Montagu of Beaulieu
to attend in order to his being examined
as a Witness before the Select Committee
appointed by this House on Sea Fisheries,
his Lordship (in his place) consenting.

QUESTIONS.

CLASSIFICATION IN THE DOCKYARDS.

MR. FORWOOD (Lancashire, Orms-
kirk) : I beg to ask the Secretary to the
Admiralty if he will furnish a Return as
regards both established and hired work-
men, and classified as to trades similar
to the Return of 20th March, 1891,
giving the total number of men borne on
the books in each trade in Her Majesty's
Naval Establishments at home on the
1st April, 1893, and the number at each
of the several rates of daily wages in the
respective trades, excluding special rates ;
also how many men have been advanced
in pay since April, 1892, under the
Circular issued by the late Board of
Admiralty, dated 27th June, 1891, in
addition to the vacancies created in the
ordinary way, of shipwrights, ship-
fitters, and other trades, and how many
advances have been made due to vacancies
arising from deaths, superannuations,
discharges, and promotions ; have re-
presentations been received from the ship-
fitters employed in Her Majesty's yards
approving the scheme of classification
issued by the late Board of Admiralty,
and protesting against the employment
of shipwrights on work that according to
the custom of the trade is given to ship-
fitters ; and if any, and what, reply has
been made to such representations ?

*THE SECRETARY TO THE AD-
MIRALTY (Sir U. KAY-SHUTTLE-
WORTH, Lancashire, Clitheroe) : The
Return will be furnished, giving all the
particulars requested by my right hon.
Friend. In reply to the last two para-
graphs, such representations as there
stated have been raised, and are now

being considered. No reply has been made.

MR. FORWOOD: Will the Return be in our hands before Monday?

*SIR U. KAY-SHUTTLEWORTH: That will be quite impossible on account of some of the particulars asked for in the first paragraph. The collection of these must occupy some time. Some of the others I could give the right hon. Gentleman at once.

*MR. KEARLEY (Devonport): Did I understand the right hon. Gentleman to say that the ship-fitters approve of the system of classification introduced by the late Government?

*SIR U. KAY-SHUTTLEWORTH: Yes, so far as they are concerned.

MR. KEARLEY: Are they not objecting to the limitation of it by the late Government. Were they not classified prior to the introduction of that scheme?

*SIR U. KAY-SHUTTLEWORTH: The fitters and some other trades have long been classified. Some of their witnesses did object in their evidence to the limit in the higher classes.

MR. W. ALLAN (Gateshead): May I ask the right hon. Gentleman if he has received any complaints from engine-fitters as to shipwrights doing engineers work?

*SIR U. KAY-SHUTTLEWORTH: Some representations have been received, and are now under consideration.

THE EDUCATION OF THE DEAF AND DUMB.

MR. FIELD (Dublin, St. Patrick's): I beg to ask the Secretary of State for the Home Department whether the Government intend to carry into practical effect the recommendation of the Royal Commission obtained by the late Mr. Fawcett to inquire into the condition of the deaf, and dumb, and blind of the United Kingdom; and whether the Government will aid the establishment of schools and workshops more particularly for the blind, so as to enable them to become useful self-supporting citizens, by the adoption of the successful Saxony system, which was reported on favourably by the said Commission?

THE VICE PRESIDENT OF THE COUNCIL (MR. ACLAND, York, W.R., Rotherham): My right hon. Friend has asked me to answer this question. There is a Bill on the subject of the education

of blind and deaf children in England and Wales now before the House, which has been referred to a Select Committee. This carries out some of the more important recommendations of the Royal Commission, but does not cover all the ground of the Saxony system to which the hon. Member refers. A Bill providing for the education of blind and deaf-mute children in Scotland was passed in 1890. As to Ireland, I understand the question is under the consideration of the Chief Secretary.

MR. FIELD: What is the reason for the unwillingness to take action in this matter in Ireland?

MR. ACLAND: There is no unwillingness, but I do not think the machinery at our disposal there is adapted to it.

BISHOP'S CASTLE SCHOOL BOARD.

MR. C. DARLING (Deptford): I beg to ask the Vice President of the Committee of Council on Education whether his attention has been called to the dismissal by the Bishop's Castle School Board of Mr. Louis Copson, head teacher; what is the reason assigned by the Board for the notice of dismissal given by them to Mr. Copson; and whether the Education Department can prevent the dismissal of Mr. Copson for the reasons alleged; if not, whether the Government will seek for legislative authority to control School Boards in such cases?

MR. ACLAND: I am informed by the clerk of the Bishop's Castle School Board that at the last meeting of the Board a resolution was passed giving Mr. Copson three months' notice to leave. It appears, however, that the requisite notice had not been given to the members of the Board in accordance with Schedule 3 of the Elementary Education Act of 1873, and that the resolution is, therefore, inoperative. The clerk of the Board further states that the resolution of the Board to dismiss Mr. Copson arose out of certain allegations brought against Mr. Copson at a Board meeting last year by a member of the Board. Mr. Copson brought an action for slander against the gentleman in question, which resulted in a verdict for the defendant on technical grounds of privilege, but the Judge in summing up said that the plaintiff had cleared his character, and it was admitted

in the course of the trial that the allegations could not be substantiated. The Department have no power as the law stands to prevent any teacher from being dismissed for an insufficient reason, or without any reason at all. The question of legislation in the direction of giving teachers some sort of security against unwarrantable dismissal is under the careful consideration of the Government, but I cannot promise to introduce a Bill on the subject during this Session.

THE CASE OF PATRICK FARRELL.

MR. DANE (Fermanagh, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland can he state under the provisions of what Act of Parliament was Patrick Farrell recently ordered by the Justices at Tyrrelspass Petty Sessions to undergo one month's imprisonment in default of giving bail, upon a charge of posting threatening notices respecting persons resident at Meedian, in the County Westmeath?

THE CHIEF SECRETARY FOR IRELAND (MR. J. MORLEY, Newcastle-upon-Tyne): The individual referred to was committed to gaol for one month, in default of finding sureties to be of good behaviour, under the Act 34 of Edward III.

ACHILL EXTENSION LIGHT RAILWAY.

MR. DANE: I beg to ask the Secretary to the Treasury whether there is any foundation for the statement that the Irish Board of Works has taken over the Achill Extension Light Railway from the contractors without any provision having been made for the erection of stations, sheds, rolling stock, or water supply; and is it the intention of the Government to have these works completed; if so, when is it contemplated that such shall be done?

THE SECRETARY TO THE TREASURY (SIR J. T. HIBBERT, Oldham): The contract did not include stations, rolling stock, or water supply. The intentions of the Government with regard to the railway are unchanged, and its completion only awaits the conclusion of arrangements with the Midland Great Western Railway Company. When these arrangements are made, there will be no difficulty in effecting an early completion of the line in every respect.

MR. DANE: Have the Board of Works taken over the railway?

SIR J. T. HIBBERT: Certainly they have taken it over from the contractor, and are now negotiating with the Midland and Great Western Railway Company with a view to completing the line.

INNISHANNON POOR LAW ELECTION.

MR. MAURICE HEALY (Cork): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, having regard to the fact that the recent sworn inquiry held by the Local Government Board with reference to the election of a Poor Law Guardian for the Innishannon Division of the Bandon Union, it was ascertained that Mr. Jervis Lee, the person returned as elected by the Returning Officer, had not received a majority of lawful votes, and that his opponent, Mr. Lane, had a majority of lawful votes, will he explain why, under these circumstances, the Local Government Board, instead of ordering a new election, have not declared Mr. Lane elected; whether complaint was made at the inquiry that Mr. Haynes, the Returning Officer, had acted in an unfair and partisan manner; whether the facts ascertained at the inquiry showed that he had improperly allowed a number of votes which plainly should not have been allowed, and had made a number of false statements to the parties interested, especially with regard to certain votes improperly allowed to a Mr. Frewin; and whether it is proposed to take any notice of Mr. Haynes's conduct?

MR. J. MORLEY: The Local Government Board inform me that in cases, such as the present, in which they ascertain on inquiry that an incorrect Return has been made by a Returning Officer, they issue an order setting aside the Return and a further order to supply the vacancy, but that they have no power to declare a person elected as Guardian who has not been returned as such by the Returning Officer. It was shown at the inquiry in the present case that the Returning Officer did wrongly allow certain votes to be recorded for both candidates, but no evidence was produced to substantiate the charges of partiality, &c., preferred in the question. The Local Government Board, under the circumstances, do not propose to take any further action beyond that already taken.

"CASTLETOWN V. MOYLAN."

MR. CREAN (Queen's Co., Ossory) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that in March last Chief Baron Palles, in reversing the Judgment of the County Court Judge in the case of "Lord Castletown v. Patrick Moylan," both of Queen's County, stated that the joint affidavits and applications under "The Arrears of Rent (Ireland) Act, 1882," did not cause an estoppel to ejectment, and if the Government would accept the sum of £9 13s. 3d. back from the landlord (Lord Castletown) or his agent, he (the Chief Baron) would within a month give an order for a decree of possession; whether the Government has accepted from the landlord or his agent the said sum of £9 13s. 3d.; and what steps the Government intend taking against the landlord or his agent, under the 7th section of "The Arrears of Rent (Ireland) Act, 1882," for lodging or causing to be lodged an affidavit not correctly setting out the facts by which he obtained the above-mentioned sum?

MR. J. MORLEY : The Land Commissioners report that a joint application under "The Arrears of Rent Act" was made in 1882 by the landlord and Patrick Moylan, together with three other tenants, and that the sum of £9 13s. 3d. was paid to the landlord in respect of the entire number of tenants embraced by this particular application. A sum of £5 5s. 5d. has been refunded by the landlord to the Land Commission. The Government has no information that the application lodged under the Act did not correctly set forth the facts.

*MR. CREAN : I should like to point out to the right hon. Gentleman that the tenants, having only temporary tenancies, the landlord was not entitled to receive this money.

MR. J. MORLEY : If the hon. Member will forward me any information he has I will consider it.

THE PORT-ELECTRIC SYSTEM OF
TRANSPORTATION.

MR. HENNIKER HEATON (Canterbury) : I beg to ask the Postmaster General whether he is aware that the American Post Office has adopted a system of conveying letters enclosed in a

tube between New York and Brooklyn by means of a miniature electric tramway, on which the waggonettes convey 3,000 letters each, and it is found that there is no possibility of their leaving the line or of a dislocation of the machinery; that this system has proved to be incomparably more rapid than any other yet devised, the working expenses being very small; and whether he will obtain Reports as to the practicability of its adoption between the General Post Office and the various Metropolitan Railway Stations, and ultimately in and between our great towns; as, for instance, between London and Manchester, Manchester and Salford, Manchester and Liverpool, Glasgow and Edinburgh, Glasgow and Belfast, Dublin and Belfast, Belfast and Londonderry, Dublin and Cork, and Dover and Calais?

THE POSTMASTER GENERAL (Mr. A. MORLEY, Nottingham, E.) : I have seen an account in *The Electrical World* of what is called the "Port-electric" system of transportation to which the hon. Member probably refers. I have no information as to how far it has been adopted by the American Post Office, or as to whether it would be suitable to this country. Mr. Preece, the Engineer-in-Chief and Electrician to the General Post Office, is going to visit the United States this autumn, and I have requested him to examine and report upon the system.

CRIME IN ESSEX.

MR. W. REDMOND (Clare, E.) : I beg to ask the Secretary of State for the Home Department the number of murders and attempted murders in County Essex from 1st January to present time; and whether one of the persons murdered was a police sergeant in the execution of his duty?

MR. THEOBALD (Essex, Romford) : Is the Secretary of State for the Home Department aware that Essex in 1891 had a population of 785,445, and that since then the population has increased by more than 60,000. What is the number of murders or attempted murders in proportion to the population, and does not Essex in that respect compare very favourably with East Clare, so fittingly represented by its hon. Member, the population of Essex being more than 13 times that of East Clare?

COLONEL LOCKWOOD (Essex, Epping): Has the right hon. Gentleman received from the County of Essex any reports of crimes such as houghing cattle, and shooting landlords from behind hedges, or of any crimes which can be properly described as of an agrarian character?

COLONEL NAYLOR - LEYLAND (Colchester): And has the right hon. Gentleman any reason to suppose that there has been any failure of justice in the County of Essex; does he anticipate there will be any such failure? Is it the case that any person in that county has been known to have recommended the intimidation of jurors or the committal of perjury?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): In answer to the question on the Paper, there have been four cases of suspected murder, but no case of attempted murder. One of the persons killed was a police sergeant. In one of the cases, as I stated the other day, the murderer was found to be insane. In two others, persons suspected of the crime have been made amenable, and stand committed for trial. The fourth case is still under investigation. With reference to the supplementary questions, I believe the population of Essex has increased as stated by the hon. Member opposite. I have no knowledge of agrarian crime in the county, nor of the failure of justice.

EGYPTIAN IRRIGATION—THE PROPOSED RAIYAN RESERVOIR.

MR. PIERPOINT (Warrington): I beg to ask the Under Secretary of State for Foreign Affairs whether he is aware that the Italian Government has recently published a memoir, entitled *Le Irrigazione nell' Egitto*, as part of the *Carta Idrografica d'Italia*, which contains a full description and three maps illustrative of the situation and working of the proposed Raiyan Reservoir, to which Lord Cromer refers in the three Annual Reports on Egypt of 1891, 1892, and 1893; and whether, in view of the large British interests involved, he will cause a translation of so much of this memoir as may be deemed important to be laid upon the Table of this House; or will issue a similar Memorandum explanatory of the subject, with a copy of

the Fayoum - Raiyan map recently published by the Public Works Department in Cairo?

THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir E. GREY, Northumberland, Berwick): The pamphlet in question has been sent to the Foreign Office by Mr. Cope Whitehouse. The interests involved are Egyptian and not British, and it would not serve any useful purpose to lay before Parliament the documents named in the question.

FEEES IN VOLUNTARY SCHOOLS.

SIR W. HART DYKE (Kent, Dartford): I beg to ask the Vice President of the Committee of Council on Education whether he has in almost every case refused applications from School Boards and managers of voluntary schools to be permitted to charge or to increase school fees in the manner and under the conditions prescribed by Section 4 (1) of "The Education Act, 1891"; whether he is aware that compliance with such an application was in one instance at least the only means by which the educational benefit of a higher grade school could be secured to the locality; and whether he can state upon what principle his action has been based, or assign any reason for this departure from the practice of the Department in administering the Statute?

MR. ACLAND: As to the first paragraph of the right hon. Gentleman's question, the answer is in the affirmative, as to the few cases I have had to deal with. As to the second paragraph, I do not know what school the right hon. Gentleman alludes to. In the case of one higher grade school, I was certainly told that it was essential that it must be allowed to charge fees if it was to be set up. Under this section of the Act, what the Department has to decide is not whether it is for the educational benefit of the district that a particular school should exist, but whether it is for the educational benefit of the district that a particular school should be given exceptional powers to charge fees or to increase fees. This involves a variety of considerations, and I do not at all deny that the decision in some cases is a matter of difficulty, or that some variety of judgment may arise. I have decided each case brought before me

after careful consideration of all the circumstances.

SIR W. HART DYKE: May I ask the right hon. Gentleman if he is prepared to admit that the Act he is now administering is, in a sense, permissive in its character? Is he prepared in all cases to refuse applications for permission to charge fees and thus render the Act compulsory rather than permissive?

MR. ACLAND: I quite admit that it is permissive, but the variety of considerations involved is so great that I do not think I can give such a pledge. Each case must be considered on its merits.

MR. DARLING: What course would the right hon. Gentleman take if such a recommendation were made by a strong Liberal majority on a School Board?

MR. ACLAND: In one such case which came before me I absolutely refused to grant the request.

THE IRISH BOARD OF WORKS AND THE KINSALE COMMISSIONERS.

MR. FLYNN (Cork, N.E.): I beg to ask the Secretary to the Treasury is he aware that a writ of *mandamus* peremptorily was served on the Town Clerk of Kinsale at the suit of the Commissioners of Public Works in Ireland; has the attention of the Commissioners been called to an affidavit made by Mr. O'Neill, the Chairman of the Town Commissioners, in which it is stated that the Town and Harbour Commissioners do not desire to evade their liability in any particular, but, having regard to the impoverished state of the town, it would be impossible for them to collect a rate sufficient to pay off the amount now asked, which would represent at least 6s. in the £1; and whether, under these circumstances, the Board of Works are prepared to make such concession as will enable the Kinsale Commissioners to meet the annual charge?

*SIR J. T. HIBBERT: The statement in the first paragraph is correct. I can express no opinion upon the allegations in paragraph 2, except that they appear to be inconsistent with the proposal in the last paragraph, which apparently contemplates no arrangements for the discharge of any of the arrears now amounting to £1,980. Satisfactory arrangements for the discharge of the arrears must be a condition precedent to

any measure of relief; and I cannot go beyond the proposal made in my answer of March 7 last.

MR. FLYNN: But, bearing in mind that the fishing industry has migrated from the district which is now in a state of absolute depression, and seeing that a rate of 6s. in the £1 will absolutely crush the town, will not the Treasury make further inquiry into the matter?

*SIR J. T. HIBBERT: I have made inquiry, and I am informed that the rates at present amount to only 2s. 7d. in the £1.

MR. SEXTON (Kerry, N.): But if it be true that the arrangement insisted on by the Treasury means a rate of 6s. in the £1, will the right hon. Gentleman persevere in a course which means bankruptcy to a Public Body? Will he not consider whether some means cannot be provided which will prevent that? It seems almost impossible to raise the sum demanded.

SIR J. T. HIBBERT: I have no desire to be hard on the Commissioners, but they must do something to meet this liability.

MR. SEXTON: If the Commissioners make a further proposal, will the right hon. Gentleman have any objection to postponing proceedings on the *mandamus*?

SIR J. T. HIBBERT: I will consider that.

THE CASE OF P. BARRY.

MR. MAURICE HEALY: I beg to ask the Secretary to the Admiralty, with reference to the case of P. Barry, leading stoker of H.M.S. *Hibernia*, who was shot dead by a Maltese, at Malta, on 4th February, 1892, whether it is a rule in the Royal Navy that a sailor while with his ship away from England is deemed to be on duty at all times, even though temporarily away from his ship on leave; and whether anything can be done for Barry's widow and orphans in view of the circumstances under which he lost his life?

THE CIVIL LORD OF THE ADMIRALTY (Mr. E. ROBERTSON, Dundee): A sailor away from his ship on leave is not considered to be on duty. Under the Regulations, the widow is not entitled to assistance, in the circumstance that he was not on duty. The orphans are eligible for selection for maintenance in

schools at the expense of Greenwich Hospital. Instructions have been sent to the widow to state the ages of the children in order that their cases may be considered.

MR. JOHN CLUNE, J.P.

MR. THEOBALD : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland what steps have been taken by the Lord Chancellor in the case of Mr. John Clune, who was appointed a Magistrate for Limerick by the present Government, in consequence of his having presided at a meeting at which a so-called landgrabber was denounced and boycotting resolutions were passed ?

MR. J. MORLEY : The Lord Chancellor has received a communication from Mr. Clune, and he is of opinion that no further action is called for beyond an admonition to be more careful in future.

NEWBATTLE COLLIERIES.

MR. A. C. MORTON (Peterborough) : I beg to ask the Lord Advocate whether his attention has been called to another fatal accident which took place at the Newbattle Collieries, Midlothian, on the 9th instant ; whether he is aware that this is the sixth fatal accident that has occurred at these collieries since the 1st of January ; and whether the Government will endeavour to get the Fatal Accidents Inquiry (Scotland) Bill passed, so that these frequent and deplorable accidents may be publicly inquired into ?

*THE LORD ADVOCATE (Mr. J. B. BALFOUR, Clackmannan, &c.) : It is the fact that a fatal accident occurred in one of the pits of the Newbattle Colliery Company on or about the date mentioned, and that four other accidents have recently occurred in other pits of that Company. The Government are most anxious that the Fatal Accidents Inquiry (Scotland) Bill should be passed into law, and I should be very glad if the House would assent to its being read a second time, and referred to the Grand Committee on Law, where its provisions could be carefully considered, and any Amendments which might be thought desirable made upon it.

KEYHAM TORPEDO TUBE SHOP.

MR. W. ALLAN : I beg to ask the Secretary to the Admiralty whether it is the case that in the torpedo tube shop at

Keyham overtime to the extent of making 10 to 11 days of total time per week per man has been worked for these last 16 months ; and whether he will consider the desirability of enlarging the shop and plant so as to employ more men, especially those lately discharged from Government factories ?

MR. E. ROBERTSON : The question of my hon. Friend has brought to the notice of the Admiralty the fact that overtime to the extent named has been permitted at Keyham since November, 1891, in order to complete the ships building under the Naval Defence Act. The amount of overtime has, however, lately been reduced, and additional plant is now being procured, so that more men may be employed and overtime further limited. The Admiralty do not approve of overtime being worked, except in cases of emergency ; and the First Lord, to whose attention the facts have been brought, will take steps to impress upon the dockyards the necessity of observing this rule.

MR. W. ALLAN : Would it not be more in accord with the spirit of labour if more men were employed instead of allowing these men to put in from 9 to 11 working days a week ?

MR. E. ROBERTSON : I quite agree with that sentiment, and thought I had given expression to that view in my answer.

MR. W. ALLAN : Will the overtime be stopped ?

MR. E. ROBERTSON : I hope so.

MR. J. BURNS (Battersea) : Will the hon. Gentleman, pending the erection of the machinery, transfer some of the work from Keyham to Woolwich or Enfield, where there are artisans skilful enough to perform it ?

MR. E. ROBERTSON : I will take that suggestion into consideration.

EXAMINING OFFICERS OF CUSTOMS.

MR. THEOBALD : I beg to ask the Financial Secretary to the Treasury what system of marking was adopted at the recent "Further Examination" held for 40 places as First Class Examining Officers of Customs ; what were the qualifying percentages of marks fixed in each branch by the Commissioners of Customs ; has an official record been kept of the questions and answers as at oral examinations for analogous positions

in the Inland Revenue; was the further examination conducted in accordance with the precedents in other branches of the Public Service as recommended by Treasury Minute, 24th March, 1891; and what basis of comparison was adopted in the absence of identity of questions, identity of examiners, and equality of time, in order to determine the relative merits of the 47 candidates who were examined?

SIR J. T. HIBBERT: The examination was held in accordance with the conditions laid down in the Treasury Minute of the 24th March, 1891. Such marks were assigned as the answers of candidates warranted, and the basis of comparison lay, of course, in the judgment of the examiners. As much of the examination was practical, no official record of question and answer was kept, nor do I see any reason for keeping such record or comparison with Inland Revenue departmental examinations.

CATTLE DISEASE AND IMPORTED HAY.

COLONEL GUNTER (York, W.R., Barkstone Ash): I beg to ask the President of the Board of Agriculture if his attention has been called to the intended shipment to this country of hay from Russia, and that as cattle murrain is generally prevalent there, and as the outbreak of rinderpest in England in 1866 was traced to this source, if he intends to take steps to prevent any chance of a like calamity occurring again?

MR. EVERSHERD (Staffordshire, Burton): I beg to ask the right hon. Gentleman whether, in view of the fact that the probable importation of large quantities of hay from Russia and elsewhere during the coming autumn and winter may be the means of introducing cattle disease into this country, he will consider the precautions that might be taken to minimise any such risk?

MR. JEFFREYS (Hants, Basingstoke): I will at the same time ask whether his attention has been drawn to the large imports of foreign hay and straw consequent upon our own deficient harvest; whether he is aware that rinderpest and other cattle diseases have been introduced by means of this foreign produce; whether the rinderpest of 1866 was introduced by means of foreign hay from Russia; and what steps he will

take to prevent the introduction of disease with our flocks and herds, by means of these foreign importations?

SIR J. KENNAWAY (Devon, Honiton): And I will ask whether, in view of the critical condition of the agricultural interest in this country, and the fearful loss that must follow upon the introduction of the rinderpest, he will place the importation of hay from infected countries under close restriction and supervision, so as to avoid, if possible, the threatened danger?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (MR. H. GARDNER, Essex, Saffron Walden): In reply to the various questions which have been placed on the Paper on this subject, I may state that on the occasion of each of the three outbreaks of rinderpest which have occurred in this country during the present century, the disease followed upon the arrival here of cattle affected with the disorder, and we have no evidence whatever that it has at any time been introduced by means of the importation of hay, straw, or other feeding-stuffs used for cattle. The possibility of infection in the manner suggested in the questions has been under consideration on several occasions in connection with the recent outbreaks of foot-and-mouth disease, but it has always been felt that the risk was not of such a character as to justify the imposition of restrictions seriously affecting a great variety of trades, and indeed, short of total prohibition, I do not see what steps could be taken which would be really effectual. I fully recognise, however, the importance of the subject, and I will keep it steadily in view.

COLONEL GUNTER: This question is of vital importance to agriculturists, and we should be glad to have some assurance on the subject from the right hon. Gentleman. The idea prevails in the country that hay brought this disease just as rags brought cholera, and I will ask the right hon. Gentleman for an assurance that every precaution will be taken.

MR. H. GARDNER: I have told the hon. Gentleman that I fully recognise the importance of the subject, and will keep it in view. But it is contrary to the fact to assert that rinderpest has ever been brought to this country by imported

hay. In every case it has been traced to animals.

MR. CHAPLIN (Lincolnshire, Sleaford): Would it be possible to make a distinction between hay coming from the Russian Steppes and hay coming from other parts of Europe?

MR. H. GARDNER: I think it would be very difficult. I can only repeat that I recognise the gravity of the situation, and will do my best to deal with it.

MR. FIELD: May I ask the President of the Board of Agriculture if there was any importation of hay at the time of the previous outbreaks of rinderpest?

MR. H. GARDNER: I have no information on that subject.

CANADIAN CATTLE.

MR. CHAPLIN: I beg to ask the President of the Board of Agriculture if he will ascertain, in the cases of the five suspected animals recently landed from Canada from the steamships *Numidian*, *Brazilian*, *Lake Winnipeg*, *Storm King*, and *Lake Superior*, whether the veterinary officials of the Department were unanimous in the opinion that none of the lungs were affected with pleuro-pneumonia, for which animals have been or would be slaughtered in the ordinary course in England? I will also ask whether he can now inform the House what decision has been arrived at in the suspected case of pleuro-pneumonia in a Canadian animal landed from the *Lake Winnipeg*, and with regard to which he was awaiting further information on 3rd June?

MR. H. GARDNER: The suggestion of the right hon. Gentleman appears to me to be open to the objections I stated a few days ago, and I cannot agree to do anything which would appear to lessen the responsibility of my chief professional adviser. I am anxious, however, to place those who are interested in this matter in possession of full information regarding the facts of the case, and I may, therefore, say that I understand, on inquiry, that in two of the five cases referred to in the question the indications of disease were such as would have justified the slaughter of the animals, as a matter of precaution, if those indications had been found in home stock. My veterinary advisers, however, considered it desirable that in a matter in which so much depends upon the correct diagnosis of

disease, the detailed investigation and discussion which were obviously necessary should proceed in a case in which the lesions were clear and unmistakable, and it is to the results obtained in the case of the animal landed from the *Lake Winnipeg* that I must look for guidance in the matter. With regard to that animal, concerning which the right hon. Gentleman has placed a separate question on the Paper, I would say that the preparation of sections for microscopic examination necessarily takes time, inasmuch as the sections have to be dried with great care. I understand, however, that they are now practically ready, and that a full report respecting them will be in my hands in the course of a few days.

MR. CHAPLIN: May I ask whether it is not very unusual that so long a time should be required to ascertain whether the disease is pleuro-pneumonia or not? Is there any precedent for it taking a month to decide?

MR. H. GARDNER: This is not an ordinary case. It affects the whole of the Canadian cattle trade with this country, and I have thought it my duty to order an exhaustive examination to be made, so that I may be able to arrive at a satisfactory conclusion.

MR. CHAPLIN: When will the right hon. Gentleman be able to put the House in possession of information on the subject?

MR. H. GARDNER: The examination must be an exhaustive one, but for the sake of the trade it is necessary that it should be concluded in a short time, and I will then make a statement; but, in the meantime, I think premature questions on the subject are unsatisfactory.

TELEGRAPH CLERKS AND THEIR GRIEVANCES.

MR. MACDONALD (Tower Hamlets, Bow): I beg to ask the Postmaster General whether, considering that telegraph clerks were permitted, between the years 1870 and 1890, to meet, without official interference, outside Post Office buildings for the purpose of discussing their grievances, he will revert to the system that prevailed before 1890?

MR. A. MORLEY: My hon. Friend is under a misapprehension. The Rule of 1866 prohibited Post Office servants from holding meetings for the discussion

of official questions beyond the walls of the Post Office buildings. This Rule, although it was not strictly enforced, applied to telegraphists as well as to other branches of the Service. In 1890 the Rule was relaxed, and permission was granted to all Post Office servants under certain conditions to hold meetings for the purpose mentioned outside the Post Office buildings.

PRECAUTIONS AGAINST CHOLERA.

SIR G. BADEN-POWELL (Liverpool, Kirkdale) : I beg to ask the President of the Local Government Board whether instructions have been given to the Customs Authorities in all ports of entry in the United Kingdom to provide accommodation for the boarding of vessels by the medical officers for the purposes of inspection and examination of ships' crews and passengers, in carrying out the precautions against cholera instituted by the Local Government Board ?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. H. H. FOWLER, Wolverhampton, E.) : The Custom House Authorities are instructed to render assistance wherever they conveniently can in order to provide accommodation for the medical officers at the different ports in carrying out the regulations of the Local Government Board.

THE IRISH MAGISTRACY.

MR. KIMBER (Wandsworth) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether it is the case that the Earl of Ranfurly and Captain Clark-Kennedy are to be removed from holding the Commission of the Peace for their respective counties ; and for what cause are these gentlemen to be removed ?

MR. J. MORLEY : The Lord Chancellor for Ireland is not contemplating any action with regard to either of the gentlemen named.

THE ARMY ESTIMATES.

CAPTAIN NAYLOR-LEYLAND : I beg to ask the Secretary of State for War what Vote or Votes in the Army Estimates he proposes to take on Tuesday, 27th June ?

Mr. A. Morley

*THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. WOODALL, Hanley) promised that notice would be given on Thursday.

MR. HANBURY (Preston) : I will ask my hon. Friend what opportunity will be afforded for discussing the Ordnance Factory Vote ? The Secretary for War gave us a pledge that the discussion should take place in June.

MR. WOODALL : The promise was made that the discussion should be taken on the Stores Vote. I will state on Thursday when that will be taken.

BIRDS OF PREY AND AGRICULTURE.

MR. EVERSHERD : I beg to ask the President of the Board of Agriculture whether he is aware that the United States Department of Agriculture has recently issued a book by Dr. Hart Merriam on birds of prey in their relation to agriculture, demonstrating the evils which arise from their indiscriminate destruction ; and whether he will consider the desirability of promoting similar knowledge among the agriculturists of the United Kingdom ?

MR. H. GARDNER : Yes ; I am aware of the issue of the book to which my hon. Friend refers, and I should be glad to do anything in my power to promote the knowledge of ornithology in its relation to agriculture. The Departmental Committee on the Vole Plague in the South of Scotland collected much useful information on one branch of the subject, and I have in the press a leaflet summarising some of the conclusions at which the Committee arrived, which will, I hope, be of some service in the direction proposed by my hon. Friend.

LIGHT RAILWAYS IN IRELAND.

SIR T. ESMONDE (Kerry, W.) : I beg to ask the Secretary to the Treasury if he has received any answer to the inquiry he has addressed to the officials in Dublin as to how the law relating to light railways in Ireland can be amended ?

SIR J. T. HIBBERT : No, Sir ; I am still awaiting a letter from the Irish Government upon this subject.

ELECTRIC LIGHTING IN THE HOUSE.

MR. JEFFREYS (Hants, Basingstoke) : I beg to ask the First Commissioner of Works whether he is aware that

unshaded electric lights are very injurious to the sight ; and whether he will cause all the electric lights in both Library and Reading Rooms to be shaded as soon as possible ?

THE FIRST COMMISSIONER OF WORKS (Mr. SHAW LEFEVRE, Bradford, Central) : Since the Debate on this subject on the Estimates, frosted bulbs have been substituted for plain ones in the case of many of the lights in the Library and Reading Room, and they will be extended if they give satisfaction.

IRISH MAIL ROUTES.

MR. FIELD : I beg to ask the Postmaster General whether it is the intention of the Government to further expedite the mail service between Queenstown, Kingstown, and Holyhead ; and whether they intend to maintain the Irish route for American mails ?

MR. A. MORLEY : My answer to the first question is in the negative. There is no intention of changing the American mail route.

MR. FIELD : I beg to ask the Postmaster General whether he will arrange that an additional mid-day mail train shall be run from Cork to Skibbereen, as requested by a public meeting of that and surrounding districts ?

MR. A. MORLEY : I have received copies of the resolutions passed at the meeting in question. The subject to which they refer has already received careful consideration, but I am sorry to say that the loss upon the present arrangements is so heavy that the additional charge required to effect the desired improvement of the mail service would not be justified.

MR. FIELD : Is there no chance of securing an improvement of the present arrangements ?

MR. A. MORLEY : None at present.

CORK AND SKIBBEREEN RAILWAY.

MR. FIELD : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Government intends to have the existing railway facilities increased between Cork and Skibbereen, so as to give the public and the guarantors a full and efficient service ?

MR. J. MORLEY : I am not clear that it is a question which any Government Department can answer, but I shall cause inquiry to be made.

SCHOOL ACCOUNTS.

MR. DIGBY (Dorset, N.) : I beg to ask the Vice President of the Committee of Council on Education whether he could see his way to modify that part of the New Education Code which alters the old and simple rule requiring the publication of the school accounts on the school doors, or in some public place, for 14 days only in each year ; and if he would consider the inconvenience to which the teachers and managers of schools may be subjected by the permission given by the New Code to inspect the books and accounts at any time in the year ?

MR. ACLAND : As I have already stated in the House, in reply to the noble Lord the Member for Rochester, on the 2nd May, the reason for the change is that those to whom facilities were offered by the Code of 1890 for inspection of the accounts and the Report, sometimes found that the information was not available to them when it was needed. I do not think inconvenience has arisen under the former arrangements, which were limited to 14 days. Similar arrangements can now be extended over the year. The Department would consider any representations that might be made to them as to the reasonableness of the time or the convenience of the place.

DEPTFORD VICTUALLING YARD.

MR. JOHN BURNS : I beg to ask the Civil Lord of the Admiralty whether the system of contract labour at the Deptford Victualling Yard is an exception to the system generally prevailing in other yards under the Admiralty ; and whether the Admiralty can see its way to employing labour directly at Deptford without the intervention of a contractor ?

MR. E. ROBERTSON : The system of contract labour on repairs and maintenance works at Deptford Victualling Yard is an exception to the system generally prevailing in other yards under the Admiralty, where the men are hired and paid direct by the Admiralty. The question of what improvement can be made in the arrangements at Deptford has been for some time under consideration, and due weight will be given to the suggestion of my hon. Friend.

MR. DARLING : Had the hon. Gentleman, when he made that answer, in his mind the facts lately brought before the Government by the hon. Member for West Ham ?

MR. E. ROBERTSON : I do not know to what facts the hon. Member alludes.

MR. DARLING : The facts fore-shadowed by the hon. Member when he asked leave to move the Adjournment of the House.

MR. E. ROBERTSON : I am glad to have an opportunity of saying that the statements upon which the hon. Member for West Ham founded his Motion were entirely unfounded. The person to whom he referred was not in the employ of the Admiralty. The question was brought under the notice of the Admiralty by a Petition, upon the basis of which inquiries are being conducted.

IRISH POST OFFICE SAVINGS BANKS.

MR. MAURICE HEALY : I beg to ask the Postmaster General whether he can state the total number of depositors in Post Office Savings Banks in the United Kingdom for the last savings bank year, and how many or what proportion of them were able to deposit during the year the maximum £30 now allowed by law ?

MR. A. MORLEY : The total number of depositors in the Post Office Savings Banks is stated in the Postmaster General's Report every year, but the Returns for 1892 are not yet complete. I cannot give the exact number, but on an estimate there are about 5,442,000 depositors. I can only give a rough estimate of the number who deposited as much as £30 in the year — namely, about 153,000 persons.

LUNACY ORDERS.

MR. BRYN ROBERTS (Carnarvonshire, Eifion) : I beg to ask the Attorney General whether he is aware that complaints exist of the delay that occurs in the office of the Masters in Lunacy in getting orders through ; whether the delay is due to the insufficiency of the staff ; and whether the inconvenience will be remedied ?

***THE ATTORNEY GENERAL** (Sir C. RUSSELL, Hackney, S.) : My attention has not been called to the matter, but I will cause inquiries to be made.

THE ROYAL WEDDING.

MR. THEOBALD : I beg to ask the First Lord of the Treasury whether it is the intention of Her Majesty's Government to grant to the members of the Customs Department a holiday on the occasion of the marriage of His Royal Highness the Duke of York ; and whether, in the event of officers being compelled, by the nature of their duties, to give attendance on that day, they may be permitted a day's holiday on another occasion in lieu thereof ?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian) : The closing of the Customs Department, as the hon. Gentleman is no doubt aware, would entail the stoppage of the whole of the operations connected with the foreign trade of the country for the day. No Public Department can be closed except upon a public holiday ; and as there is to be no public holiday, it follows that the Customs Department cannot be closed. But I believe the Government Departments on these occasions do make such arrangements as they can, compatible with the interest of the State, for allowing the members of Departments to profit as much as they can by any arrangements that may be made locally for the purpose of marking the day.

COLONEL HOWARD VINCENT (Sheffield, Central) : I beg to ask the First Lord of the Treasury if his attention has been called to the grave inconvenience which will attend bank managers and officials in those places like Sheffield wherein the Civic Authorities determine, in response to public opinion, that the Royal Wedding Day shall be kept as a public holiday, unless an Order in Council is issued empowering banks to close in such places ; and if Her Majesty's Government will so far re-consider their decision and cause the necessary steps to be taken ?

MR. W. E. GLADSTONE : As I understand the matter, the Government have no power in such circumstances as those mentioned in the question, except that when they proclaim a public holiday the bills falling due on that day are postponed. I do not think there is any case here that would justify the action suggested. I do not think it is intended that the Government should have

power to act except upon the proclamation by them of a general public holiday. No such action has been taken by the Local Authorities as would lead me to suppose that any inconvenience will be caused.

COLONEL HOWARD VINCENT : Will not the effect be that the banks at Sheffield will be open and all the clerks at work, while all the other institutions and businesses will be closed? Is the right hon. Gentleman aware of that?

MR. W. E. GLADSTONE : I am not aware of that, and I could not very well be aware of it. I take it that, as there will be a great contraction of business on that day, the bank managers will only require a proportionate number of clerks to be in attendance.

ADJOURNMENT.

SWINE FEVER.

MR. FELLOWES, Member for the Ramsey Division of Huntingdonshire, rose in his place, and asked leave to move the Adjournment of the House for the purpose of discussing a definite matter of urgent public importance—namely, “the increasing prevalence of swine fever in many parts of the country, and the persistent neglect of Her Majesty’s Government to take adequate measures to check it.”

MR. T. M. HEALY (Louth, N.) : I desire to point out that there was on the Paper last night a Bill on this subject, which was introduced by the hon. Member, and that the Order for the Second Reading was discharged late last night in order to leave the ground clear for this Motion.

MR. SPEAKER : That, of course, leaves the ground clear for the hon. Gentleman.

The pleasure of the House not having been signified, **MR. SPEAKER** called on those Members who supported the Motion to rise in their places, and not less than 40 Members having accordingly risen :—

***MR. FELLOWES** said, that as he had not taken any part this Session in the Debates in the House, he hoped he would not be accused of in any way wishing to stop legislation or to hinder the progress of the Home Rule Bill. His intention was to try to find out from Her Majesty’s Government what were

their intentions for the future with regard to the important question of swine fever. Some of those present might not think the subject of sufficient importance to justify a Motion for Adjournment, but he would remind hon. Members that this was the only opportunity those who were interested in agricultural matters had of bringing them before the notice of the House, seeing that the Government had taken the whole time of the House for their own business. More than that, they had a right to bring this question forward. This was the first Session of a new Parliament, and he thought that in the present state of agriculture they had a right to bring to the notice of the House anything that might bear upon the interests of that industry, or that might conduce to its benefit. The subject of swine fever was one of urgent public importance in consequence of the prevalence of the disease in many counties and the resulting decrease in the number of swine. An enormous loss was caused by this disease to large farmers, small holders, and also allotment holders, who as a result of recent legislation had enormously increased in numbers, and of whom nine out of ten kept swine. It was, therefore, incumbent on the House to take steps to stamp out the disease. At the beginning of the Session, when his hon. Friend the Member for Ripon moved an Amendment to the Address, the Minister of Agriculture, as he understood him, declared it was hard to know what to do in agricultural matters, as agriculturists were not united among themselves. But he ventured to assert that, in regard to swine fever, agriculturists were absolutely at one as to what ought to be done. The Central Chamber of Agriculture, the Associated Chambers, Farmers’ Clubs, and the Contagious Diseases Committees of the County Councils had over and over again passed resolutions demanding that the question should be taken up by the Board of Agriculture and treated in the same way as the subject of pleuropneumonia. The Local Authorities had no doubt done their best to suppress swine fever, but they had failed. They had spent the ratepayers’ money with very little result. There had been no uniformity of action amongst them; some counties had slaughtered, and some had not; some had paid compensation, and

others had refused to, and the result had been that the disease had not decreased, and it had been found impossible to stamp it out under the existing Regulations. In the last Parliament this question was raised several times, and a deputation waited upon the right hon. Gentleman the Member for the Sleaford Division of Lincolnshire, who at that period occupied the office of Minister of Agriculture. It was introduced by the present Under Secretary of State for Foreign Affairs, and he hoped that in the present Debate he would have the support of the hon. Baronet. That deputation represented 23 Chambers of Agriculture and other Organisations, and it had a very kind and sympathetic reception from the President of the Board of Agriculture, who frankly informed them that he was collecting information as regarded the question, but was unable to undertake at that moment to do anything on account of an outbreak of foot-and-mouth disease. Since that time—February last year—there had been no real diminution in the disease, for they found that in the 20 weeks ending on May 20, 1892, there were close upon 800 outbreaks of swine fever, and in the 20 weeks ending on May 20 this year there were 1,100 outbreaks, in which 5,400 swine were affected. There were fewer cases reported in 1892 than in 1891, but this was largely accounted for by the disinclination to report cases in localities where no compensation, or very little, was given. The Departmental Committee said in their Report that in 1892 there was a considerable reduction in the number of cases of diseases reported, but that they had reason to believe that this reduction was more apparent than real, and was due in some measure to the decrease in the number of swine in the country, and to a still greater extent to the discontinuance on the part of the Local Authorities of the payment of compensation, which had the effect of making the owners of swine negligent in giving notice of diseases. This he regarded as a very bad sign, but a still worse sign was the enormous decrease of swine in the country. The Returns given in the Appendix to the Report of the Departmental Committee showed that in 1892 the swine in England decreased by 25 per cent., in Wales by 27 per cent., in Scotland by 29 per cent., and in Ireland by 18 per cent., the total decrease in the

Mr. Fellowes

whole of Great Britain and Ireland and the Channel Islands being over 1,000,000, or 24 per cent. The result was that at the present moment pork was as dear as beef, and very nearly as dear as mutton. He must apologise to the Minister of Agriculture for having badgered him with questions on this subject so much during the Session, but he regarded the question as of such great importance to the agricultural interest that he had felt bound to question him upon it. He must congratulate the right hon. Gentleman on the selection he had made of the Members of the Departmental Committee, although he thought the right hon. Gentleman would have found in his Department ample particulars respecting the disease without wasting time by appointing a Committee at all. The Committee had reported on the lines laid down by the Chambers of Agriculture in the last two years, having recommended that the Board of Agriculture should be the Authority for stamping out disease, and that compensation should be paid out of Imperial funds and not out of the rates. With these views of the Committee he thoroughly agreed, and he should be pleased to see the right hon. Gentleman acting upon them. He quite agreed that it would be more difficult to tackle the question of swine fever than it had been to deal with pleuro-pneumonia, and it would probably be more expensive, and possibly take a longer time. The right hon. Gentleman said that the disease was decreasing largely. If so, surely the present was the proper time to stamp it out. When the Pleuro-Pneumonia Act was passed, pleuro-pneumonia existed in 34 counties in Great Britain, 25 in England, and nine in Scotland. At the end of 12 months from the passing of the Act pleuro-pneumonia was restricted to seven counties in England and one only in Scotland; whilst now, with the exception of the one case which had unfortunately just broken out at Hendon, the country for the first time for 50 years was absolutely free from the disease. Bearing these facts in mind, he asked the right hon. Gentleman to deal with swine fever exactly in the same way as he had dealt with the question of pleuro-pneumonia. A deputation waited upon the President of the Board of Agriculture last week, and the right hon. Gentleman, in reply to

the representations made to him, said there was no hurry about the question; that the autumn was the proper time to tackle it, and that the great stumbling block was finance. He (Mr. Fellowes) said without fear of contradiction that there was hurry about the question. Those who represented agricultural districts knew well that the agricultural interest was never, in the memory of man, in a worse state than at the present day, and anything that would be of some little use would be beneficial to what he was afraid was very nearly a ruined interest. He quite agreed with the right hon. Gentleman that the autumn was the proper time to tackle the question; but as was pointed out by Mr. Carrington Smith when the deputation waited upon the right hon. Gentleman, if the question was to be tackled in the autumn it was necessary to pass a Bill this Session so as to have everything prepared before the autumn arrived. As to the question of finance, he knew it was a very serious one at the present time. It must be remembered that this was a question for the public good, and to his mind the public ought to pay for any general benefit that was conferred by the action taken. He understood the right hon. Gentleman the other day to throw out a suggestion that the compensation to be paid should come partly out of the pleuro-pneumonia fund and partly out of the rates. He himself had a very strong objection to any payment being made out of the rates for the purpose. There had been an enormous amount of money wasted during the last few years on this question without much good being done. At the same time, rather than have the question shelved, he would agree, speaking only for himself, to half the cost being placed on the rates as long as half come out of the Imperial funds. He wished to ask the right hon. Gentleman to say "yes" or "no" whether he would before the autumn undertake to bring in legislation on the subject, so that it might be possible to deal with the question in October or November.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Fellowes.)*

THE PRESIDENT OF THE BOARD OF AGRICULTURE (MR. H. GARDNER, Essex, Saffron Walden): I can assure

my hon. Friend that what he says as to the absolute unanimity of agriculturists generally on the subject of transferring the authority for dealing with swine fever has considerable sympathy from me. I thoroughly agree that the Report of the Committee, which I myself appointed, proves, more or less, that Local Authorities are not able to cope successfully with this disease, and that the transference of the power of dealing with it to a Central Authority would be advantageous to the agricultural community. I recognise to the full the competence of the Department over which I have the honour to preside, as evidenced by the way in which they have stamped out pleuro-pneumonia, and I have no doubt that we shall be able to deal with swine fever as satisfactorily as we were able to deal with pleuro-pneumonia. But my hon. Friend puts, as it were, a pistol to my head, and asks for an answer "yes" or "no." I think my hon. Friend has forgotten one factor in the case. I am quite sure the right hon. Gentleman the Member for Sleaford (Mr. Chaplin) will not forget that factor, because, in a speech he made to a deputation, the right hon. Gentleman alluded to it in very strong terms. The factor I speak of is that of Ireland. Although the Board of Agriculture has the administration of this matter in England, the administration of agricultural affairs in Ireland is carried on by Irish officials; and when I point out that there are over 1,000,000 of pigs in Ireland, and that the importation of pigs to this country amounts to something like 500,000 a year, I think my hon. Friend will see that unless we take measures to deal with Ireland as well as England, we might be importing the disease from Ireland at the time when we were extinguishing it in England. I do not think anyone in this House would wish to go to the length of entirely stopping the importation of pigs from Ireland. A distinguished official from Ireland had made an appointment with me almost at this present moment; and if my hon. Friend had allowed me to have an interview with him, I think we should have been very much nearer a settlement of the question than we are now. I shall not go into the very interesting details to which my hon. Friend has alluded. With reference to the Bill, I might almost say that my hon. Friend

withdrew that measure last night in order that he might to-night delight us with the speech he intended to make on the Second Reading. But the question is not one of details. The point really is whether this is a question of such urgent public importance that my hon. Friend should have taken it upon himself to interrupt the whole Business of this House in order to urge the Government to proceed with this matter at once. [*Opposition cheers.*] I accept the challenge implied by those cheers, and I will address the House for a few minutes on that subject. My hon. Friend has admitted very fairly that the extinction of this disease ought to be undertaken not at the present moment, but in the late autumn. A great authority on the subject (Mr. Carrington Smith) who sat on the Committee, and was a member of the deputation to me the other day, goes so far as to say that measures should be taken for stamping out the disease somewhere about Christmas or a little later. I would ask whether it is necessary to move the Adjournment of the House in June in order to urge upon the Government the adoption of measures which admittedly ought not to be taken until about Christmas time? I pass to the figures my hon. Friend put before the House. My figures do not entirely agree with his. The question we have to consider is whether there has been so serious an increase in swine fever, and whether farmers are face to face with such a crisis on this matter that it is necessary to stop the important Business of this House to discuss it? My hon. Friend has been singularly unfortunate in the moment he has chosen to bring the subject forward, for our last Return, which came up to the 10th of June, shows that in the week ending with that date there were 276 cases of swine fever, whereas in the same week in 1892 we had 414 cases, in the same week in 1891 1,000 cases, and in the same week in 1890 621 cases, so that because we have 138 cases less than in 1892, over 600 less than in 1891, and about 350 less than in 1890, my hon. Friend thinks the question is so urgent, and the farmers of this country are face to face with such a crisis, that the Business of the House of Commons ought to be interrupted in order that the subject may be discussed.

Mr. H. Gardner

*MR. FELLOWES: Will my right hon. Friend give us also the decrease in the number of swine kept in the country?

MR. H. GARDNER: The decrease in the number of swine is not owing to swine fever. Authorities tell us that the number of swine in the country is always a fluctuating figure, and that the real reason for the decrease is the recent cheapness of swine. As swine are animals which are easily produced they follow the trade. I now come to the other figures. The hon. Gentleman said there was a serious increase in swine fever, and one of his reasons was that there were 6,350 cases of swine fever in the first 23 weeks of 1893, whereas in the first 23 weeks of 1892 there were only 5,960. My hon. Friend says that an increase of 390 diseased pigs out of a total of nearly 2,000,000 pigs in the country is a justification for bringing this Motion before the House. As a matter of fact, I state to the House, and I do so upon my authority, that at the present moment, with the exception of a very slight difference last year, the cases of swine fever stand now at the very lowest pitch at which they have stood since 1884. I do not think I need trouble the House any further in regard to the urgency of this question; but I should like to refer to one other remark made by the hon. Gentleman. I allude to the suggestion that out of a portion of the costs should be paid by the rates. If the hon. Gentleman speaks on that point in the name of his Party, he has certainly gone a long way towards disposing of the financial part of the question. I can only assure agricultural Members on both sides of the House that the Government look upon this subject with the greatest sympathy, and that my earnest wish is to deal with the question this year if possible. With this assurance I would ask the House to pass at once to the Order of the Day.

MR. CHAPLIN (Lincolnshire, Sleaford): I can most thoroughly endorse the statement of my hon. Friend that there is no desire in making that Motion to interfere a moment longer than is absolutely necessary with the other Business of the House. I quite acknowledge that the President of the Board of Agriculture has made a very important speech; but, at the same time, we are very

much in the position of the farmer at the rent dinner, who drank claret instead of port, and complained that he was getting "no forrader." We wish to know whether the Government are prepared to deal with this question during the present Session or not? If not, we cannot compel them to do so, and there is no use in prolonging this discussion. If, on the other hand, they tell us they are prepared to deal with it, we shall be satisfied, and shall be happy to proceed with the Business of the House. The right hon. Gentleman alluded to the great difficulties raised by the case of Ireland in reference to this question. The difficulty of Ireland is precisely the same as that which came up when we had to deal with pleuro-pneumonia, and, of course, is part of the question, which must be settled if this matter is to be dealt with at all. Then the right hon. Gentleman asked whether the question was of such urgent importance as to justify my hon. Friend in stopping the whole Business of the House in order to discuss it. I think it is of ample importance to justify him in the course he has adopted. We must not forget the position of the agricultural community at the present moment. I undertake to say that there never was a time in the history of the present generation when, as now, the whole of the time of Parliament was taken up in dealing with a question with which I believe nine out of ten of the supporters of the Government do not sympathise, and which they do not believe in, and when, in spite of the statement in the Speech from the Throne—in spite of the pressure which has been over and over again applied to the Government from this side of the House, and also from some of their supporters on the opposite side—the Government have done absolutely nothing for the agricultural interests. They must not be surprised if, under these circumstances, there is considerable feeling in the country on the subject, and if those who represent the agricultural interest think it their duty to avail themselves of whatever opportunities they may have in their power to call the attention of the Government to it. The right hon. Gentleman proceeded to argue that the question was not urgent because of the figures he placed before the House. He said that the cases of swine fever were fewer in

1892 than in 1891, and that the figures of 1891 were less than the figures of 1890. He went on to show that the figures of June in the present year were less than the figures of June, 1892. My hon. Friend, on the other hand, speaks of the increasing prevalence of swine fever throughout the country. He is absolutely and literally borne out by the figures of the present year. Why did not the President of the Board of Agriculture give us the figures with reference to the months of this year? In the month of January there were 800 cases, in February there were 746, in March there were 862, in April there were 1,600, in May there were 1,626, and in the first 10 days of June there were 661 cases. These figures certainly bear out the statement of my hon. Friend. The President of the Board of Agriculture expressed his great desire and wish to do something for us. I do not doubt that he has such a wish and desire, but I should like to hear something as to the views of the Chancellor of the Exchequer. The decision rests with him, and I will put a question straight to him across the Table. Will he be good enough to tell us whether he will aid my right hon. Friend the President of the Board of Agriculture to deal with this matter during the present Session? It is not only a farmers' question, but a labourers' question also, and it is one which is daily affecting the labourers more and more. I am happy to think that the labourers who are not at present in possession of allotments are in a minority. The number of those who have allotments is increasing day by day, and in nine cases out of ten the labourers with allotments have pigs, or ought to have them. The right hon. Gentleman the President of the Board of Agriculture seems to think it is premature to raise the question now, and he says that a certain witness stated that Christmas was the time to deal with the question. That is not my own opinion. I should say that October or November would be a better time to begin, and I think he will find precedents in the Department for dealing with the matter at that period of the year. Here we are in June. The Government have, I presume, to prepare and draft their Bill. That will take some days. We cannot imagine that the Bill will pass through all its forms and be-

come law much before the end of July. The moment the Bill has become law the Government will be able to proceed with their organisation and with the preparation of the staff and all the assistance they will require to carry out the measure. Even if the Bill be passed by the end of July, they will not have a week too much to make the necessary arrangements before the period arrives when they should be put into operation. There is no apprehension, I hope and believe, that the measure will be contentious, and it all depends upon what the Chancellor of the Exchequer has to say—whether the scheme will be carried out or not. The Chancellor of the Exchequer ought to be prepared to state the intentions of the Government. About a month ago, on the Motion for the Adjournment for Whitsuntide, there was some conversation on the subject, and the Chancellor of the Exchequer said that the matter would be examined without delay, and if it were in the power of the Government to do anything it would be done. It is desirable that we should know exactly where we stand. When the Government appointed a Committee to inquire into the question, and when the President of the Board of Agriculture gave the Committee as a reason for not proceeding at once, all who were interested in the question understood that if the Committee reported in favour of measures being taken those measures would be taken. It is very desirable that the Local Authorities should know what is really going to be done on this question. It is by the decision of this House that they will have to be guided. If the Government are not prepared to take the necessary measures, the Local Authorities will have to do so themselves. They must have time to make their preparations, and the least we can ask for is a direct statement as to the intentions of the Government either one way or the other. If we have such a statement I do not see that we should interfere any longer with the Business before the House. Taking into consideration the present agricultural situation, the hardships which farmers have undergone, and the deplorable position in which they are now placed, I hope the right hon. Gentleman will be able to make such a statement as will give us some assurance

Mr. Chaplin

that their position will be more favourable in the future than it has unfortunately been in the past.

THE CHANCELLOR OF THE EX-CHEQUER (Sir W. HARCOURT, Derby): I merely rise to answer the appeal which the right hon. Gentleman has made to me. I have nothing to withdraw or alter in the statement I made before the Adjournment of the House for Whitsuntide. The Government are sincerely desirous of dealing with this matter, and of examining into it. As my right hon. Friend (Mr. Gardner) said just now, one of the most important elements in the question is that part of it which relates to Ireland. That is a point which must be settled before we can bring a Bill before this House. The right hon. Gentleman opposite, to my surprise, rested his case on the urgency of the question and on the increase of the disease. I cannot agree with him on those points. I have before me the figures respecting the county represented by the hon. Member who made this Motion. I find that in Hunts, in 1892, there were only 81 cases of swine fever, the number of pigs being 18,270, and in the first 23 weeks of this year there were only 25 cases. In Lincolnshire there were 131 cases in the 23 weeks, the number of pigs being 86,409. I have looked with some interest at the figures for the county in which I reside (Hants), where the keeping of pigs is very prevalent. I find that there are 68,404 pigs in the county; that in 1892 there were 871 cases, and that in the first 23 weeks of this year there were only about 156 cases. Therefore, a case which is founded on the supposed great increase of this disease is not a sound case. My right hon. Friend (Mr. Gardner) has said he is desirous of dealing with the matter, but he has put before the House ample reasons why it is impossible, especially before consulting the Irish Department, to give a definite answer as to what will be done. The right hon. Gentleman appealed to me on the question of finance. The statement of the hon. Member who moved the Motion was that at present a great deal of the rates are wasted because the machinery for coping with the disease is not adequate and is not central. He added that he would not be disinclined to assent to an

arrangement by which half of the cost should be borne by the pleuro-pneumonia fund, and the other half by the fund which now bears it, which fund, he thinks, however, would be more advantageously administered. If that be the case, the Chancellor of the Exchequer has little or nothing to say. The hon. Member who made the Motion said the stamping out of swine fever was going to be a more expensive thing than was the stamping out of pleuro-pneumonia. Therefore, I would say that the demand is not only to bring in a Bill to deal with swine fever, but to bring in a supplementary Budget. It is quite certain that out of Imperial funds no such sum was available as would be adequate for this purpose, and fresh taxation would have to be imposed. Now, it is my business, as far as I can, to resist Supplementary Estimates. The Government have with great difficulty made provision for the finance of this year, and if they are to have forced upon them additional expenditure by Supplementary Estimates there must be additional taxation. I, for my part, am not prepared or disposed to propose such additional taxation; and if it is done, it must be done by the House and not by the Government. I find myself confronted with large demands from every quarter. The ports want large sums of money. Well, are you prepared to have another 1d. put on the Income Tax? If hon. Members choose to do that I, on my part, will do a great number of things for them. What has Parliament done? It has given to the Local Authorities within the last few years an additional £4,000,000. Has the result been to diminish the demands upon Imperial resources? Not at all. On the contrary, the more that is given the more is raised the cry of the horseleech—"Give, give!" It is perfectly plain that the demands made upon the Chancellor of the Exchequer really amount to this: that the whole local expenditure of this country should be placed upon Imperial taxation. That is the nature and tendency of these demands. However, my right hon. Friend the Minister of Agriculture, having received an assurance from the hon. Gentleman opposite which I hope may lead to a satisfactory solution of the question, may, without the terrors of the Chancellor of

the Exchequer hanging over him, proceed to settle the matter in a manner which I trust may be satisfactory to the agricultural interest, who deserve and receive the entire sympathy of the Government.

*SIR R. PAGET (Somerset, Wells) said, he had listened with interest, but with great disappointment, to the speech of the right hon. Gentleman the Chancellor of the Exchequer. He did not think the right hon. Gentleman understood the position of the farmer generally in this matter, otherwise he would not try to show that it was impossible to relieve him of the difficulties that surrounded him. Whose Committee was this that had reported to the House, and what did the Committee say? The Government appointed the Committee, and its Report to the Government was so clear that no man could misunderstand it. There was absolutely nothing more now asked than that the Government should act on the Report of their own Committee. However the figures might be manipulated, the fact was indisputable, that swine fever was increasing; yet here they had the Government, which had appointed a Committee to advise on the question, saying it was impossible to do anything.

SIR W. HARCOURT: I did not say that.

*SIR R. PAGET said, the Government would not listen to the voice of distressed agriculture, but were ready to resist supplementary Estimates. The Chancellor of the Exchequer said that was his duty. This was a matter, however, in which the whole of the country was concerned, and he would warn him that a power would be stirred out of doors that would be resistless, for, he repeated, it was the fact that swine fever was steadily increasing.

SIR W. HARCOURT: No.

*SIR R. PAGET said, he would like the Minister of Agriculture to say how it was that they could not follow the precedent set in regard to pleuro-pneumonia. Any remedy in this matter would be welcomed in Ireland or in England. In the pleuro-pneumonia outbreak an estimate was formed of the probable expenditure, and provision was made for that sum. He thought the Government could deal with swine fever in some way analogous to that. The Minister of Agriculture had

suggested this to a deputation the other day.

MR. H. GARDNER: I did not suggest it, for I spoke of the question in relation to local taxation.

*SIR R. PAGET said, he was obliged to the Minister for mentioning the matter as he did. It was altogether a question of great urgency. The difficulties of agriculture were enormous, and anything that might tend, in however small a degree, to alleviate those difficulties would be hailed with the greatest satisfaction out of doors. This was the one thing agriculture had been asking for, in view of the Gracious Speech from the Throne. Months were passing away; the state of agriculture was worse than it was in February, and if the Government meant business they would bring in their Bill. They had been treated to words of empty sympathy, but he demanded from the Government an answer "Ay" or "No" to the question—Did they mean business, and, if so, would they bring in a Bill founded on the recommendations of their own Committee?

MR. LONG (Liverpool, West Derby): It may be said that we ought not to have brought forward a Resolution of this character, but I would point out that the agriculturists of this country are in a very difficult position at the present time. We are confronted with an exceptional position of things; and when we ask the Government to make some definite proposal, we are told by the right hon. Gentleman that not only that he will not, and cannot, move in the matter, but that he has no suggestion to make unless the House directs him to put another 1d. on the Income Tax. Now, I submit that that is not a position which Her Majesty's Government ought in such a case to take up. It may be very easy for some hon. Gentlemen to treat this as a matter of no importance; but if they had visited farms with me upon some recent occasions, and seen the farmers' distress when the Inspectors came and ordered immediate slaughter of the only article of agricultural produce that had been paying during the last few months, they would understand what a disastrous blow this fresh calamity has been for farmers and for the community. It is in the interests of the community that these animals have been slaughtered, by the law of the land, and it is only

Sir R. Paget

common justice that the owners should be compensated, at all events for some portion of their value. It is deplorable that the Minister of Agriculture should have told the House that this is not an urgent matter, and that he should have suggested that Motions of this kind were only brought forward to delay the Business of the House. Unless there is power to compensate, no action can be taken in the autumn or at any time, and we urge upon the Government the necessity for action at the present moment, in order that immediate action may be taken when the time comes. The Government seem to take the view that things are to go on as at present.

SIR W. HARCOURT: No, no.

MR. LONG: But what is going to alter them? Are we to understand that the Government are now ready to act, and to act at once? There is no such thing as half measures in this matter—either the Government are ready to act, or they are not; either they have the power, or they have not. I know that they have not the necessary power. The Chancellor of the Exchequer says he cannot act unless another 1d. is put upon the Income Tax.

SIR W. HARCOURT: I said that in connection with this and a dozen other demands.

MR. LONG: We are now only making one demand, and that is an urgent and important one. There are certain Members on the Ministerial side of the House who are very agricultural on occasions, but who, when questions such as this are raised, divest themselves of their agricultural interests, and become only the devoted followers of the Government. I hope the hon. Member behind me will divide the House, and thus give the Government and their followers the opportunity of proving their sincerity. Though it may suit the purpose of right hon. Gentlemen opposite to treat this matter with what I might almost call contempt, the agricultural interest will see through all these shams and devices. [*Loud Ministerial cheers and counter-cheers.*] There is only one construction to put on that cheer—the Chancellor of the Exchequer considers that this demand was a sham.

SIR W. HARCOURT: No, no.

MR. LONG : Then, does it mean that those who have raised this question to-day are indulging in a sham and a device ? [Renewed Ministerial cheers.] The Chancellor of the Exchequer, then, did mean that they were indulging in a sham device. That meant that it was a sham for the agriculturists to call for compensation under the law. I hope the hon. Member will give us an opportunity of showing in the Division Lobbies what we think of that attitude.

MR. HENEAGE (Great Grimsby) : I would like to know where we are. We have not got any further by the speeches we have heard. What does the Chancellor of the Exchequer propose ? He suggests that swine fever should be dealt with under a sort of dual control. It is impossible for the Local Authorities to cope with this question effectually. The right hon. Gentleman said there was no urgency in the matter. With that view I entirely disagree, for two reasons—first, because it is desirable that the Government should follow out the recommendations of their own Committee ; and, secondly, because it is also desirable to deal with the matter at a time when there are fewer swine in the country. Are the Government willing to take up the Report of their own Committee, or are they not ? If they are not, the sooner the Local Authorities cease spending their money, and leave to the Government the sole responsibility, the better. With regard to Ireland, I have always regretted that the English Board of Agriculture has not the power to deal with the whole matter of pleuropneumonia. An Amendment to the 4th clause of the Home Rule Bill might be desirable in that respect ; but I will not discuss that now. The declarations of the Government upon the present question seem to amount to this : that they are not prepared to carry out the recommendations contained in the Report of their own Committee, and they must, therefore, take the sole responsibility of doing nothing for the agricultural interests.

Question put.

The House divided :—Ayes 252 ; Noes 285.—(Division List, No. 155.)

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 19th June.*]

[TWENTY-FOURTH NIGHT.]

Bill considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 4 (Restrictions on powers of Irish Legislature).

*VISCOUNT WOLMER (Edinburgh, W.) rose to move, in page 2, line 33, at end insert “(6) of an *ex post facto* character.” He said he felt a certain amount of assurance that the Government would not regard the Amendment with hostility, because it fitted in with particular nicety with the character of Clause 4, as described by the Prime Minister in the early discussions on the clause. The right hon. Gentleman laid it down that Clause 4 differed from Clause 3 in this wise : that Clause 3 was meant to tabulate those subjects which were to be not only withdrawn from the cognisance of the Irish Legislature, but were to be dealt with when occasion arose by the Imperial Parliament ; while Clause 4 was meant to contain those subjects which were not only not to be dealt with by the Irish Legislature, but which, according to a general understanding, were not to be dealt with even by the Imperial Parliament. It would, therefore, be seen that his Amendment, prohibiting *ex post facto* legislation, fitted in with the particular characteristics of the clause. A reference to the American Constitution would show that in Article 1 this question of *ex post facto* legislation was raised twice. In Section 10 it was put down as a restriction on the power of the State Legislatures ; but in Section 9 it was put down as a restriction on Congress itself—that was to say, that not only could no State in the American Union pass legislation of an *ex post facto* character, but such legislation was absolutely forbidden to the American Congress itself. That being so, it was important to find out what interpretation the Courts of the United States had given to this part

of their Constitution. He found in Kent's *Commentaries on American Law* that in the case of "*Calder v. Bull*"—

"It was held that the words '*ex post facto* laws' were technical expressions, and meant every law that made an act done before the passing of the law, and which was innocent when done, criminal; or which aggravated a crime and made it greater than it was when committed; or which changed the punishment, and inflicted a greater punishment than the law annexed to the crime when committed; or which altered the legal rules of evidence, and received less or different testimony than the law required at the time of the commission of the offence in order to convict the offender."

In the case of "*Fletcher v. Peck*" it was observed that an *ex post facto* law was one which rendered an act punishable in a manner in which it was not punishable when it was committed. As instances of the application of the law, he found in the same work that—

"A Statute removing the use of the Statute of Limitations where it has already run is *ex post facto*."

That—

"A law requiring less evidence to convict than when the act was committed is *ex post facto*."

He asked the Committee to consider whether there was not a special reason, apart from general reasons, why they should insert in the Bill this particular part of the Constitution of the United States. If *ex post facto* legislation was generally condemned, and if—as he believed to be perfectly true—although we have no written Constitution, this form of legislation is almost unknown in this Imperial Parliament, were there not special circumstances in Ireland which called for special care in this matter? Take the question of land legislation. The Irish Legislature of the future might in its wisdom pass a law generally diminishing the existing judicial rents by 25 per cent. That would be perfectly within the competence of the Irish Legislature under his Amendment. But if the Irish Legislature went further, and made this new law apply to all rents by way of a permanent reduction during the last three, five, or ten years, or whatever period might be fixed on, it would be legislation of an *ex post facto* character. Again, if the Irish Legislature felt constrained to take that action in reference to the Plan of Campaign which the Nationalist Members had so far been

Viscount Wolmer

unable to induce the House to accept, suppose they passed a law reinstating in their farms all the tenants evicted under the Plan of Campaign, such action would be within their competence, and would not be affected by his Amendment. But if the Irish Legislature added to the Bill a clause which assumed for legal purposes that the tenants had never been evicted from their holdings, and that their tenant right ran from the commencement of their old tenancies, that would be legislation of an *ex post facto* character. Take another instance. When his right hon. Friend the Member for West Birmingham was discussing the other night the position of some of the Civil servants under the new Irish Constitution he read an extract from a speech made by the hon. Member for Mayo, in which the hon. Member declared that certain Magistrates and policemen ought to receive the reprobation of the Irish Legislature for their past conduct and be marked out for punishment. Under what law could these Civil servants be punished? Obviously not under the existing law, because they had not done anything which would make them amenable to the present law; and if they were to be punished in the future it would be by a law passed by the Irish Legislature. That would be monstrous legislation of an *ex post facto* character. But there was a strong special reason why this power should be taken away from the proposed Irish Legislature. They were told that that Legislature was to be a subordinate Legislature; and was the subordinate Legislature of Ireland to have more power over the Irish people than the Congress of the United States had over American citizens? Was it conceivable that they should give to the Irish Legislature—which would be a strictly subordinate Body, and would spring from the legislative Act of the Imperial Parliament—a power of which the people of the United States had deliberately, and as far as he knew, without regret, deprived themselves for all time? He begged to move the Amendment.

Amendment proposed, in page 2, line 33, after the word "or," to insert as a new sub-section, "(6) of an *ex post facto* character, or."—(*Viscount Wolmer*.)

Question proposed, "That those words be there inserted."

*THE ATTORNEY GENERAL (Sir C. RUSSELL, Hackney, S.): It will be observed that the noble Lord, in the argument he has addressed to the Committee, has treated this Amendment as if it applied merely to legislation of an *ex post facto* character relating to criminal matters, while in fact it covers civil matters as well.

VISCOUNT WOLMER: I only gave the instances quoted as illustrations.

SIR C. RUSSELL: The noble Lord has misread his authorities. He will find that there is now in America a uniform judicial interpretation; that this restricts *ex post facto* legislation to criminal matters, and that it has no relation to other legislation. The noble Lord appeals to the Committee not to give to the Irish subordinate Legislative Body larger powers than Congress possess under the Constitution of the United States. Let me remind him—what has been pointed out before—that the limitation of the powers of Congress was imposed by a number of independent Sovereign States who were arranging terms as to the limitation which should be fixed upon the power of Congress to deal with the independent rights of these independent States. The first observation I would make on the Amendment is that in its terms it is not restrictive in the same scope as similar provisions—both in the Constitution of the United States and in the Constitutions of a great number of the Federal States. That is my first observation. In reference to legislation of a criminal character let me say this: The case the noble Lord puts is the case of the Irish Legislative Body being so blind to their own interests and so forgetful of the first principles of justice as to constitute, by Act of Parliament, an offence that which previously was not an offence, and to visit with criminal punishment an innocent act. All I can say is, that it is difficult to suppose a possibility so monstrous. If such a monstrous case can exist, I want to know what case could be stronger for the application of the checks and safeguards already in the Bill which are adequate to prevent the mischief? I am afraid, because of the way in which my refer-

ences are received on the other side, to refer to the multiplying safeguards that are in the Bill. We think that the good sense of the Irish Legislative Body, in view of its own interest, ought to count for a great deal. There is, besides, the veto of the Lord Lieutenant. There is, further, the case of special instructions with reference to a Bill that could not fail to attract the attention, I will not say of the Executive, but of the whole world if such a monstrous thing were attempted as by an *ex post facto* Act of Parliament to make into a crime that which was before an innocent act and to visit it with punishment. Finally, there is, in the last resort, the over-riding authority and power of this Imperial Parliament. We therefore think, in regard to the possibility of any criminal legislation of the kind that this Amendment is directed against, that that possibility can hardly be held to exist, and the risk of a possible grievance is really one which is conjured up without any probability to support it. Now I pass to the Amendment in the relation it would have as a check upon legislation of a retrospective kind which was not conversant with criminal matters. With reference to that, I have to say we do not desire to take away from the Irish Legislative Body the power to make such retrospective legislation as may be a perfectly proper and necessary kind of legislation in the class of cases in which it has frequently been passed by this Parliament. I will remind the noble Lord that some of that class of legislation, such as our Statutes of Limitation, are retrospective in their character. Acts of Indemnity are retrospective and *ex post facto* in their character; declaratory Acts giving definition to the provisions of earlier Acts are in their nature retrospective and *ex post facto*, and there are a number of illustrations of legislation which is *ex post facto* legislation of a perfectly proper kind. There is one illustration of which I am reminded—namely, cases in which marriages which had taken place years before, but invalid from some defect which was discovered in the ceremony, were validated by subsequent legislation. These are illustrations which might be multiplied. I content myself, however, with saying that, so far as the criminal application of this Amendment is concerned, we do not conceive it

points to any real tangible grievance or evil ; and as regards its application to legislation other than criminal, we do not desire to take away the power from the Irish Legislative Body of legislating retrospectively in proper cases.

MR. J. CHAMBERLAIN (Birmingham, W.): I think, Sir, this Amendment raises again the question which has already been discussed in Committee as to the grounds upon which the Government have selected certain Amendments of the American Constitution, and refused to accept others. We have had to put that question again and again, and we have hitherto been unable to obtain the slightest answer. Now, Sir, I will venture to lay before the Committee what I think is the principle which the Government ought to have adopted. The hon. and learned Gentleman who has just sat down has reminded us that the American Constitution was the result of a Treaty between independent States, and we ought to keep that always in mind. It was a case in which independent States agreed to give up somewhat of their pre-existent independence in order to constitute a Federal Union. We, however, are dealing with a case in which a supreme unity agrees to give up somewhat of its power in order to constitute a subordinate Body. Now, the result of that comparison, I think, is this: that we ought to expect much less from independent States giving up part of their sovereignty than from a subordinate Body receiving something from a Central Authority. The Solicitor General the other day told hon. Members opposite that they were neither a nation nor a State, but merely a subordinate Body not even with the authority or character of a State. Therefore, I say under these circumstances it follows they are entitled to much less in the way of full authority than the independent States of the American Constitution, and, consequently, the principle which I lay down is that the restrictions which the framers of the American Constitution thought it necessary to obtain from these independent States represent not the maximum, but the minimum of concession when you are dealing with a subordinate Body. And, Sir, it seems to me, therefore, that it is the duty of the Government, with regard to every one of the amendments which the United States have thought it fit to

impose upon the legislation of the separate States, to show that these restrictions are not necessary or are not applicable in the case of the subordinate Parliament we are going to create in Ireland. They have not attempted to do that. What is the answer made to the appeal of my noble Friend? We are told, in the first place, that the Amendment is too wide. The arguments of the Government, I must say, always follow exactly in the same line. It is very seldom an argument of principle; it is generally a technical or legal argument. In the present case what the Government say is that this Amendment goes too far. Well, Sir, it does not go one atom further than the provisions of the American Constitution; and when the hon. and learned Gentleman says that in the American Constitution *ex post facto* is limited to criminal legislation he knows perfectly well it is not limited in words.

SIR C. RUSSELL: By judicial interpretation.

MR. J. CHAMBERLAIN: Very good; then why cannot you allow it to be limited by judicial interpretation in this case just as we desire that "due process of law" shall be left to judicial interpretation? He had full confidence that in dealing with "due process of law" the Imperial Judges would deal with the matter in accordance with American precedent. Why has his confidence in the Exchequer Judges suddenly fallen short? I am perfectly well aware that the Chancellor of the Duchy has some authority for the statement in his work that judicial interpretation has limited *ex post facto* to criminal legislation in the United States of America; and the reasons which led them to so limit them would have equal weight with the Exchequer Judges. But if we are now to understand that throughout the rest of this Bill the Government are no longer going to put forward any pretension that matters of this importance can be left to judicial interpretation, but that any point which is open to doubt is to be interpreted in the Bill itself, why do not they propose a very simple Amendment to the Amendment—namely, to add to the words *ex post facto* "criminal legislation?" That I consider to be a mere excuse. It cannot be pretended to be a solid objection to this Amendment which can be so

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easily met. I now come to what is really the serious ground of objection. When I say serious ground, I mean the open and avowed serious ground of the objection of the Government to this Amendment. It is because even in matters of criminal legislation it would be such an extravagant act; it would be so monstrous for the Irish Legislature to have resort to it that the Government cannot think of putting the prohibition in the Bill. The hon. and learned Gentleman has admitted that the framers of the American Constitution have thought it necessary to put this restriction over the legislation of the States. Was it monstrous in them to do it? Under the circumstances under which that Constitution was framed, they had much less reason to anticipate any unjust or unfair treatment than we have, because they were not dealing then with long-standing animosities, racial and religious differences which altogether alter the case when you are going to deal with Ireland. But in spite of that they thought it necessary to insert these words which the hon. and learned Gentleman tells us are altogether unnecessary, and, I suppose, an insult to the people of Ireland. I go a step further. Why is the hon. and learned Gentleman not consistent? Let us look at the clause we are discussing. What have we passed already at the instigation of the Government—not as an Amendment proposed by the Opposition? We have debarred the Irish Legislature from depriving any person of life without due process of law. Would it not be a monstrous thing, I ask the Attorney General, to deprive any person of life without due process of law? Is it an insult to the Irish people to suggest that their Legislature can by any possibility do anything of the sort? If that is so—if in spite of that, in order to meet our objections they now tell us—although they could not have told beforehand what our objections could be—whether in order to meet our objections or objections from their own friends the Government have thought it necessary to debar the Irish Legislature from depriving a person of life without due process of law—and I say, Sir, they are debarred from now arguing, when we propose another Amendment, that it is so monstrous to suppose the Irish Parliament would ever be guilty of such a

thing—that it is not necessary to put this prohibition in the Bill. I hold that all this argument about being unnecessary because of the virtues of the future Irish Legislature is entirely false. The principle and policy of the Government ought to be to insert Amendments, even if they think them unnecessary, unless they think them injurious. If this Amendment gives satisfaction to the minority, they ought to be willing to accept it unless they think it injurious, and the hon. and learned Gentleman has not contended that it would be injurious to be applied to criminal legislation. I will go further, and I will say I am not prepared to accept the view that it is such a very monstrous thing, and that it is so entirely improbable that the Irish Legislature would pass *ex post facto* legislation even of a criminal character. I am by no means certain the Irish Legislature would not in some way or other, by criminal or civil legislation of an *ex post facto* character, seek to punish those they regard as political opponents. Take, for instance, persons who have held evicted farms. We know perfectly well that persons who have done that legal act have been denounced throughout Ireland as lepers; every conceivable threat has been made against them, and in many cases they have been criminally punished, not, indeed, by the law of the land, but by the law of the Land League. What authority has the Attorney General for saying that what has been done in the past will not be done in the future? Has not the hon. Member for East Mayo used this language?—

“When we come out of the struggle”

—this was after the union of hearts, after the introduction of the Bill of 1886—

“we will remember who were the people's friends and who were the people's enemies, and we will deal out our reward to the one and our punishment to the other.”

I call upon the hon. Member to tell the Committee who were the enemies of the people, and what was the punishment which he was going to mete out to them. It is not the punishment of the Land League, because that could be inflicted before “they came out of the struggle.” No; it is some punishment to be inflicted by legal means after the Irish Parliament shall have been constituted. In these

circumstances, the minority in Ireland have some reason to dread the unrestricted powers which this Bill is going to confer upon the Irish Parliament. I suppose I shall be told that it is very vindictive to refer to the past utterances of hon. Members opposite, and that we ought to forget those speeches. There might be something in that argument if hon. Members opposite would withdraw what they have said. Will the hon. Member for East Mayo get up and say that he regrets the statement which I quoted, and that he repudiates it from the bottom of his heart? As yet the hon. Member has never done so.

MR. DILLON (Mayo, E.): I have only to say that if the context of that speech were read out I should not be in the least ashamed of it.

MR. J. CHAMBERLAIN: I have read the whole of that speech; the hon. Gentleman has access to it, and I challenge him to read out any part that can affect the plain meaning of the words—

"When we come out of this struggle we will deal out punishment to the enemies of the people."

No context that can be conceived can alter the significance of those words, which were thoroughly understood at the time by the people to whom they were addressed. It is in no sense vindictive to recall these facts, because they constitute the basis of our whole argument. When future Members of the proposed Irish Legislature, men who will control its action, have uttered words like these, we have a right to ask in what way the Government are going to protect the loyal minority, and we are entitled to something more than a mere legal reply from the hon. and learned Gentleman as to the way they are going to protect the minority in Ireland.

*SIR F. POWELL (Wigan) desired to draw attention to considerations which might, perhaps, be worthy a moment's attention. Allusion had been made by the noble Lord to the Constitution of the United States, but he had examined the Constitutions of the different States that formed the Union, and he found that there again those who framed the Constitutions limited the power of the Legislature. He found this restriction on *ex post facto* legislation appeared in the Constitutions of, among others, New Hampshire, Massachussetts, Rhode

Island, New Jersey, Pennsylvania, Maryland, Virginia, Alabama, Mississippi, Tennessee, and possibly, what was most interesting, in South California itself. The hon. and learned Gentleman stated that by the decisions of the Courts *ex post facto* law only referred to criminal procedure. In the Constitution of Pennsylvania, in the 17th Article, there was this restriction—

"No *ex post facto* law, nor any law impairing contracts, shall be made."

He did not venture, with his small remains of legal knowledge, to say what the legal construction would be; but he did venture to say it would be a strange construction which would assert that these words, "*ex post facto* law," referred to criminal procedure only, when the remaining passage of the same section referred to the law relating to contracts. He had another illustration which he thought still more worthy of notice, and that was the Constitution of New Hampshire. In Article 23 of that Constitution it was stated that

"retrospective laws are highly injurious, oppressive, and unjust."

But those who framed this Constitution did not rest there, for they added these words—

"No such laws, therefore, should be made either for the decision of civil causes or the punishment of offences."

He did not see how the argument could be carried further except for this observation: that this Constitution of New Hampshire was made 101 years ago; this provision still remained, and, therefore, he was fairly entitled to say that the Americans not only in the Constitution affecting the Congress, but in the Constitutions affecting the States, had laid down a general law entirely in accordance with the Amendment of his noble Friend. He did not wish to refer to the circumstances of Ireland, but he would make this remark: When he found the same principle in this Constitution of America, from the Gulf States across the great continent even to California, he could not help observing that there was a general recognition of that principle, and a desire that it should receive every authority and emphasis on every legitimate and proper occasion.

*MR. HALDANE (Haddington) was not going to follow the right hon. Member for West Birmingham into that broader con-

Mr. J. Chamberlain

trovery which he had attempted to raise with hon. Members opposite, and his reason was a very simple one. The right hon. Gentleman went into these other matters which had really nothing to do with the Amendment before the Committee—on the Debate on the Second Reading of this Bill, and unless they confined themselves to what seemed to him to be the real point in these matters they would never get through their work. There was one observation which was made by the right hon. Gentleman which struck him very much. He said that there was a uniformity in the arguments of Ministers, who said that the Amendments were too broad, and could not be accepted on that ground. No one could complain of uniformity of argument on the part of his right hon. Friend, whose present argument amounted to this: that they ought to accept words which would be improper for their purpose because there had been decisions in the United States to put them right. It was really most astonishing why this Amendment was brought forward. It showed that a little knowledge and a good deal of dragging of dusty textbooks from the shelves at the Library at the last moment was a dangerous thing. If they looked at the provisions of the American Constitution, they would find that the provisions, as there interpreted in the context in which they occurred, had a significance totally different from that in which it was proposed to insert these words, and contained nothing of the kind which his noble Friend the Member for West Edinburgh was proposing at the present time. It was distinctly laid down by the greatest International writers of America that these words had received a purely technical interpretation which had limited their meaning exclusively to criminal matters. He had not been able to get Kent's work, which was, perhaps, in the possession of some other hon. Gentleman, but he had looked at it elsewhere. He had, however, been able to get one of the few remaining textbooks which were left in the Library—namely, Story's work, which was of equal authority. This was what Story had said. Speaking of *ex post facto* laws, he said—

“The term *ex post facto* laws in a comprehensive sense embrace all retrospective laws, or all

laws which govern past transactions, whether they are of a criminal or a civil nature; and there have not been wanting learned minds who have contended, with no small force of authority and reasoning, that such ought to be the interpretation of the terms of the Constitution of the United States. But the general interpretation has been this: that the phrase applies to cases of a criminal nature only, and the prohibition reaches every law whereby an act is declared a crime, and is made punishable as such, when it was not a crime before.”

By the indulgence of the hon. Member for King's Lynn, who had left this book—*Cooley on the Constitution*—a most valuable work, he had been able to refer to this authority, and he found a passage in which it was stated that all States were forbidden to pass *ex post facto* laws, which in terms embraced all retrospective law, but which in the Constitutional sense was restricted and limited exclusively to laws of a criminal character. His noble Friend had proposed an Amendment, which was not to be found in the American Constitution, because he was proposing to bring in terms which were intended to apply, not only to cases of criminal liability, but to cases of civil contract. He, for one, should object to see any such Amendment introduced, and he would say why. In the first place, it was not in any subordinate Constitution which was modelled on any analogy which was drawn from our own. For instance, no such limitation existed in the Constitutions which we had given to any of our Colonies; and, again, what he thought was even stronger, no such limitation existed in Section 92 of the British North America Act, so that in the case where the powers were limited more closely than the powers of the Irish Legislative Body there was no trace of any such Amendment. Suppose they did carry the Amendment, what then? He thought he could give the House three illustrations as to its effect. Some 11 years ago they passed an Act, by a Conservative Chancellor, called the Settled Land Act. That Land Act interfered in the rudest fashion with contracts, and declared all past settlements and prohibitions void so far as they affected the limited owner from selling the land or leasing it, or taking it away from the remainder-man who was to come after him, leaving him money in place of the land and giving other powers. If this Amendment were carried it would be impossible for the Irish Legislature to pass any

Acts analogous to that which was one of the most beneficial Acts in the Statute Book. Again, take the case of the Irish Land Act of 1887, which was passed by a Conservative Government, and which contained *ex post facto* legislation interfering with rights created by contract, and which had been sanctioned and received recognition from Parliament. No legislation of that kind could be passed, although such a measure might be absolutely necessary to the peace, order, and good government of Ireland. He might also instance the Crofters' Act. The right hon. Member for West Birmingham had suggested that the Amendment should be limited to the Criminal Law, but that point did not arise; it was not within the scope of the Amendment. He did not believe that the Irish Parliament would resort to legislation of the objectionable character to which the right hon. Gentleman had referred. If he had thought so, he should not be supporting a proposal for granting Home Rule. He supported the proposal in the interests of peace and good government in Ireland, and the Amendment was prejudicial to that object in every shape and form.

Mr. A. J. BALFOUR (Manchester, E.): I listened with gratification to the interesting speech of my hon. and learned Friend opposite (Mr. Haldane). I confess that during part of his speech I was in doubt whether he was speaking for or against the Amendment, for many of the observations which fell from him appear to me to tell strongly in favour of the Amendment. The argument which we have heard obviously divides itself into two parts, the first being whether we are going to give the powers of retrospective legislation in civil matters. In regard to civil matters, I admit that there are occasions when retrospective legislation is absolutely necessary; and the only question is by what Legislature that retrospective action should be undertaken? If I required proof to show that retrospective action is in essence of a dangerous character, which ought never to be given to a subordinate Legislature, but ought to be retained by the Imperial Legislature in its own hands, those instances I should draw from the speech made by the hon. and learned Member for Haddington. What were his cases? Those most relevant to Irish history were two-fold. They were the cases in which what he

called the breaking of leases was permitted—I do not admit the accuracy of the term—by the Act of 1887, and the wiping out of arrears under the Crofters' Act. Do you mean to give those powers to an Irish Parliament? I cannot conceive how any man who looks beyond law books and opens his eyes to the real living facts of Irish history would be prepared to trust an Irish Parliament with the power of wiping out arrears of rent or dealing with contracts between landlord and tenant in the way they are dealt with by the Act of 1887. The Act of 1887 with regard to leases may have been right or wrong. I am prepared, on any proper occasion, to defend the course taken by the Government of which I was a Member; but I say, undoubtedly, it was a course which required the strongest justification, which involved principles of legislation which this House accepted at the time with the utmost hesitation, and which, I am sure, they would be insane if they gave into the hands of any Legislature less impartial than that to which we belong. I say less impartial, not because I am laying down the proposition that the individuals of which this Parliament is composed are wiser or more prudent necessarily than those of which the future Irish Legislature would be composed, but because they are drawn from a much wider area, and represent more varied interests, and because the controversies between the different bodies of men interested in Irish land were decided upon in 1887 by a great body of Members who themselves had no personal interest whatever in the decision of these controversies. I do not say that in the past our measures have always been wise. I am inclined to think we have, in many ways, dealt rashly with these questions of property in Ireland; but to hand over all these delicate and difficult questions to an Irish Parliament in which the majority will represent one interest and one interest alone—to hand over to them the control of the interest of all other parties in the controversy—would be not merely unwise, but would reach the limit of criminal folly. Is the other case of interference by retrospective legislation in civil matters less pregnant with lessons to this Committee? The Crofters Act wiped out arrears. But here, again, it was done by a Parliament in which the

crofters themselves or those interested in wiping out the arrears formed a small body in the House, and in which the great majority of the House, whether they decided rightly or wrongly, decided without personal bias or interest. If you are going to hand over to the Irish Parliament, nine-tenths of whom will represent directly the tenant farmers of Ireland, the power to wipe out debts due by them to the landlords, it seems to me you are deliberately opening the way to the most reckless form of confiscation. Therefore, even in civil matters, I, for one, boldly avow I would not give the power of retrospective legislation to the Irish Parliament, though, I admit, the power of retrospective legislation must exist somewhere. I pass from the civil and I come to the criminal case; and here let me repeat to the Government the question put by the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain), and not as yet answered. The right hon. Gentleman pointed out that the phrase *ex post facto* is one on which decisions have been given in America, and that the words have the most precise meaning according to the American judgment given on them. But the Attorney General will not admit that the Courts of America can guide us as to the meaning of the words in an English Act, though when we were discussing the definition of the phrase "due process of law" a night or two since, we were thrown back by him upon American precedents alone as a sufficient and conclusive guide on the point. What answer has been given by the Government? The hon. and learned Member for Haddington (Mr. Haldane) did not deal with the words, except in so far as to say that the words were introduced into the American Constitution in a context different to that in which it is employed in this Bill; and he implied to the Committee that it was the context in the words of the American Constitution which made the whole difference in their meaning. I am sceptical about that. I do not pretend to have done more in this matter than follow the procedure so scorned by the hon. and learned Member for Haddington—namely, taken down a dusty book from the shelves in the Library, to make myself acquainted hastily with the legal bearings in the case. Whether he has

devoted many hours to the study of the American law as distinguished from the English law I cannot say.

*MR. HALDANE: I did not complain that they took the text books down hastily; but I complained of their taking them down hastily and reading them wrong.

MR. A. J. BALFOUR: Nobody as yet, as far as I know, has been convicted of reading them wrong. I think my noble Friend read them with perfect accuracy. As the hon. and learned Gentleman thinks the context in this question is so important to the meaning of the words, I will read the context. Section 10 provides that—

"No Stateshall enter into any Treaty, Alliance, or Confederation, grant of letters of marque or reprisal, coin money, emit bills of credit, make anything but gold or silver legal tender in payment of debts, pass any bill of attainder or any *ex post facto* law, or law impairing contracts, or grant any title of nobility."

There is the context; and I leave it to my hon. and learned Friend to make any use he likes of it in order to show that the context in which these words are used has the slightest effect on their meaning. That meaning the Courts in America have interpreted, and that meaning the Courts in England—with the assistance, I presume, of decisions of the Courts in America—will be able to interpret. We may, therefore, dismiss from our minds the idea that there is any ambiguity, or that there will be any difficulty in interpreting them. There remains only one further question to be decided, and one further argument to be met, so far advanced by Government speakers; and that is: Is this provision against *ex post facto* legislation in criminal matters so obviously unnecessary and absurd that we are throwing superfluous insult upon the Legislative Body to be erected in Ireland? I cannot conceive on what grounds this opinion can be held. The hon. and learned Gentleman the Member for Haddington says these words are not introduced into any of our Colonial Acts, and especially are not introduced into the Canadian Act. He told us that this limitation on the power of subordinate and Provincial Legislatures in Canada was not introduced by the North America Act. That is perfectly true; and if we were going to establish in Ireland a Provincial

Legislature on the model of the Canadian Legislature it might be unnecessary to introduce these words. But the Government refuse to adopt any such course. They insist that the powers given to the Irish Legislature shall not be enumerated, whereas the Canadian Act lays down that the powers given to the Provincial Legislatures shall be enumerated. But that is not all, for amongst those powers given to the Provincial Legislature in Canada is expressly excluded the power of dealing with Criminal Law and procedure. It is not necessary to forbid them to pass *ex post facto* laws in criminal matters, because they can pass no Criminal Laws whatever.

*MR. HALDANE said, they could pass *ex post facto* laws on civil matters which came within their purview.

MR. A. J. BALFOUR : It was not within the Canadian Act, because it was not only unnecessary, but its inclusion would be absolute nonsense. But it has been put into the Constitution of every State of the American Union, and the American precedent is swept aside by my hon. and learned Friend as if it were not worth a moment's talk. I do not say that we are bound to regard the American precedent as conclusive ; what I do say, however, is that it is worthy of consideration, and no American authority, as far as I know, has ventured to say that this particular provision is obsolete, and that if the Constitution had to be re-enacted these were words which they would willingly omit. There has been an attempt to break this law in various cases. These cases came before the Supreme Court over and over again, and that there has been a long series of decisions as to what *ex post facto* legislation was proves that it has been attempted in various States of the American Union. Why should not that which the experience of America has shown to have happened in the United States take place in Ireland ? I presume that the Debate will not close without the hon. Member for East Mayo (Mr. Dillon) taking some notice of the challenge of the right hon. Gentleman the Member for West Birmingham.

MR. DILLON : The Member for Mayo will take no notice of the challenge until he has been supplied with information as to the date of the speech

and the newspaper from which the report is taken.

MR. J. CHAMBERLAIN : I will give the hon. Gentleman all the information that he desires. The passage which I quoted is taken from a speech made by the hon. Gentleman on December 5, 1886, and reported in the *The Freeman's Journal*.

MR. DILLON : Where ?

MR. J. CHAMBERLAIN : At Kilmeeve. The speech was made on December 5, 1886, and appeared in *The Freeman's Journal* of December 6.

MR. A. J. BALFOUR : The hon. Gentleman has got all the information he desired. ["No !"] Well, all that he asked for—possibly more than he desires—and I am sure the hon. Gentleman will give the Committee his views on the subject by-and-bye. In America this limitation has been proved necessary by experience. In Ireland, where the right hon. Gentleman the Member for West Birmingham pointed out that circumstances existed which would make *ex post facto* legislation probable, where some of the leading Irish politicians have made speeches which indicate not merely that the danger exists, but that a policy has been formulated—there, of all countries in the world, this limitation ought to be put in by those who are responsible for this measure. I would ask the Government whether they really think they will strengthen their position in this House or in the country when they refuse Amendments which are directed against obvious dangers, when they cannot point out a single flaw in the arguments in support of those Amendments, or any real objection to their adoption ?

MR. W. E. GLADSTONE : I do not intend to traverse the whole region of this Debate. The question that has been raised between my right hon. Friend the Member for West Birmingham (Mr. J. Chamberlain) and my hon. Friend the Member for East Mayo (Mr. Dillon) is one into which I shall not enter at the present stage of the discussion. A challenge has been delivered by the right hon. Gentleman the Member for West Birmingham, concerning which the hon. Member for East Mayo has asked for information and desires to consult the report ; and in these circumstances, and until we know what further may be said upon

this matter, I think I ought to pass it by, and especially as the matter is irrelevant to the discussion. I rise to speak upon the question which constituted the main part of the argument of the right hon. Gentleman opposite. In the early portion of his speech the right hon. Gentleman contended strongly that the Irish Legislature ought to be deprived of the power of making *ex post facto* laws in civil and ordinary matters. Having demonstrated that proposition to his own satisfaction, he argued strongly in favour of the present Amendment, in the full prevision that it was an Amendment effectually limited to criminal matters. The point upon which I wish to address the Committee is the appeal made to the American provision. The right hon. Gentleman the Member for West Birmingham claimed at the beginning of his speech that, as the Government have adopted one provision from the American Constitution, when another provision was produced they ought not to decline to accept it. Is there anything strange in adopting one provision as applicable to the purpose in view while we decline to adopt another which, in our judgment, is not applicable? Because you have sufficient reason for adopting one provision, you do not admit on that account that everything in that portion of the Constitution has a claim upon you? It comes to us, no doubt, with such authority as is to be derived from the admirable manner in which that Constitution was adapted to the exigencies of that country; but it comes to us otherwise with no presumption whatever in its favour, unless we see that it is applicable to the exigencies of our own country also. I cannot, therefore, admit any *primâ facie* argument which would lead my right hon. Friend to have the right he thinks he has to require from us the adoption of anything of which he might approve from the American Constitution. We have before us two classes of precedents. The one is the precedent afforded us by the American Constitution—which is not a single but a plural precedent, because, on the one hand, the restriction has been adopted by the States upon themselves, and, on the other hand, it has been imposed by the States upon the Federal Constitution. We have another class of precedents, and that is the precedents of our own Colonial Legislatures. The right hon. Gentleman the Leader of the Opposition

says that this power of retrospective legislation ought never to be accorded to a subordinate Legislature. The right hon. Gentleman has in his view a whole series of our legislative enactments with regard to our Colonial Legislatures; and in every one of them this power has been left free and unembarrassed to the subordinate Legislatures.

MR. A. J. BALFOUR: What I meant was really subordinate. I was not going into legal technicalities.

MR. W. E. GLADSTONE: The right hon. Gentleman thinks the Legislatures of the Colonies are not subordinate; I affirm they are. Then I want to know whether it is a little technicality or a Constitutional principle? The right hon. Gentleman denies the supremacy of Parliament. He does not admit that the supremacy of Parliament rules through the Empire; and when I turn to a Colonial Legislature—I say, if you like, the Constitution of Western Australia—and term it a subordinate Legislature, he says I am only making use of a legal technicality. The right hon. Gentleman denies the supremacy of the Imperial Parliament. Why, Sir, the supremacy of the Imperial Parliament is visible from one extremity of the Empire to the other. We have got, at any rate, in dealing with this strange doctrine Acts that reach over a series of years—Acts whereby Colonial Legislatures have been created to whom this power was given. Those are facts that the right hon. Gentleman should not overlook. We have the authority of a long series of legislative Acts for our own people, in our own Empire—Acts which were considered by this House of Parliament, and these, amongst a variety of circumstances, might be considered to have some relevancy to this case. I will go further, and point out why it is we may suppose the wisdom of the American Constitution to act as has been indicated in regard to this provision, and why it is that our standpoint is just in its application to this case. In America there is no supreme Legislature. The State Legislatures were originally supreme; but they devolved a portion of their supremacy on the Federal Government, and only retained the portion which was locally applicable to each of them. The Federal Government received from the States certain prerogatives and powers, and no

more. America has proceeded in the only way she could proceed by this Treaty between the Federal Government on the one side and the States on the other side. The States have this right of *ex post facto* legislation. And by the arrangement between the States and the Federal Government there is no authority to check it. But there is no authority to check such legislation. That is why we are not called upon to sanction it. We have only to allow the legislative authority to be exercised subject to the authority of the Imperial Parliament. In America there is no control. The distinction is, I think, as clear as noon-day. In England we have the control of the Imperial Parliament, and, that being so, there is no reason why we should adopt the Amendment which has been proposed.

SIR H. JAMES (Bury, Lancashire) said, he did not wish to detain the Committee. He would not enter into the general argument that had arisen; but he would like to say a word or two with regard to the last argument of the Prime Minister. The right hon. Gentleman said they ought to impose on the Irish Legislature that which they had not imposed upon other Legislatures. For his (Sir H. James's) part, he had thought there was a great difference between the supremacy over the Colonial Parliaments and the supremacy intended to be exercised over the Irish Legislature. There was a supremacy of the Imperial Parliament over the Colonial Legislature; but they had never exercised it.

MR. W. E. GLADSTONE: Several times.

SIR H. JAMES said, they had never, he thought—seldom at all events—exercised it in reference to internal matters, such as criminal legislation. The Legislatures existed free from actual interference in these matters. They did not retain the power by anything like Clauses 3 and 4 of the present Bill; and the supremacy that existed was one which made the Colonial Legislature subject to the general supremacy of the Imperial Parliament. But in this case it was not a general supremacy, but a particular supremacy, that was retained. He did not know whether the distinction arose from, or was due to, geographical or other considerations; but it was most marked. And in this very argument he

thought they had an argument which the Prime Minister had not in his mind. He asked how they were to apply to Ireland that which they did not apply to the Colonial Legislatures? There was no restriction upon the Colonial Legislatures as to dealing with the deprivation of life, liberty, and powers according to due process of law. The Prime Minister's question was, why did they not put in a provision of that kind restricting the Colonial Legislatures on these points? The answer was that it was not required. There was a difference in the case of the Irish Legislature, because, in the opinion of the Government, such a provision was required. The argument of the Prime Minister, then, was annihilated. The Prime Minister said if they had taken one restriction from the American Constitution that was no reason why they should take all restrictions from it. That was in reply to the right hon. Gentleman the Member for West Birmingham (Mr. J. Chamberlain); but the right hon. Gentleman had not suggested that if they took one therefore they should take all. What the right hon. Gentleman did suggest, and what should be pressed upon the Prime Minister, was that if one clause was taken, and if there was another clause or provision which was cognate to it—which bore a similarity to it—it might be considered whether it would not be possible to take it, or whether it ought not to be taken also. The Government would not allow the Irish Legislature to deprive persons of life, liberty, or property without due process of law; but, at the same time, they were willing to allow the punishment of death upon a person who would only have been subject to non-capital punishment before his crime was committed. If they took two clauses of this character he did not see why they should put in one and leave out the other which was similar to it in effect and direction. There were no arguments of a purely political character. They were framing a Constitution, and they must look at what was necessary to that work. He submitted that the Amendment was entitled to the favourable consideration of the House.

Question put.

The Committee divided :—Ayes 240; Noes 270.—(Division List, No. 156.)

Mr. W. E. Gladstone

*VISCOUNT WOLMER said, he had next to move in page 2, line 33, at end, insert "impairing the obligation of contracts, or." He said this also was taken from the American Constitution. This was not a restriction binding on Congress, but upon the States alone. The observations of the hon. Member for Haddington (Mr. Haldane) in reference to the last Amendment proposed would, perhaps, be applied in this case also; but he would point out that he was not departing from the proper context, as the Amendment, if put into operation, would come immediately after Sub-section 5, which read—

"(5.) Whereby any person may be deprived of life, liberty, or property without due process of law, in accordance with settled principles and precedents, or may be denied the equal protection of the laws, or whereby private property may be taken without just compensation; or."

In this he was following the American law—the provision relating to matters of this character coming in that law immediately at the tail end of a whole series of restrictions on the powers granted. In this case the restrictions would be imposed in the actual place in the section corresponding with that in the American Constitution. He noticed that his hon. Friend the Member for the Arfon Division of Carnarvonshire (Mr. Rathbone) proposed to move an Amendment to this Amendment. He proposed to insert after "contracts" the words—

"Except with the consent of Parliament testified by an Address to Her Majesty from each House of Parliament."

Of course, there was nothing in the American Constitution analogous to this proposed Amendment. He (Viscount Wolmer) would have no objection to adding the words, but he thought they would add nothing to the force of his Amendment; if anything, he rather thought they would derogate from its importance. His opinion was that such powers as were mentioned in the Amendment should never be given to a subordinate Legislature; and he thought—and he hoped the Committee would think with him—that there were special subjects connected with Ireland which rendered this question one of vital importance. On all matters other than land the question of contracts would be on the same level in Ireland as it would be in this country; but he was prepared to argue that the question of land in Ireland created a state of things totally

different from that found in any other country. What were the views of Irish Members on the subject of land legislation? They were well known to be in favour of further curtailment of the judicial rents fixed under the Act passed by the present Leader of the House. The hon. Member for Cork, speaking in Tipperary in 1885, had said—

"If our struggle is a hard one the rewards and prizes of victory will be very great—prairie rents for the farmer, and less than prairie rents, if possible, for the labourer."

Mr. Davitt, until recently a Member of the House, had said the same thing at a later period—since, in fact, the commencement of the "union of hearts" theory. He had said—

"Twenty per cent reduction of judicial rents will be no permanent relief to Irish industry. Ten years hence it would be as heavy a burden as the existing rental."

Had the Irish Members changed their minds?

An hon. MEMBER: Have you?

*VISCOUNT WOLMER said, that almost every word he was now saying about Home Rule had been incorporated in his address in 1885. The Irish Members had never concealed their opinion that the existing judicial rents were not low enough, and that they should be still more curtailed. That might or might not be a fair and proper view. He did not mean to argue that; but what he wished to point out was that Her Majesty's Government and the right hon. Gentleman at the head of Her Majesty's Government had a special and particular responsibility in the matter—they having fixed the rents. Had the landlords fixed them, or had they had anything to say in the matter? If there was one man more than another responsible for the rents at present existing it was the Prime Minister. They were the work of the whole Liberal Party; but the right hon. Gentleman was Prime Minister at the time. It seemed to him that the Government were of opinion that the subject of land legislation should be withdrawn from Ireland, otherwise why had they left it outside the purview of the Irish Legislature for three years? With what object had that been done? Was it the intention of the right hon. Gentleman and his Government to deal with the question themselves

within that period? Did they mean to settle that question for ever, so that the question of land should no longer divide classes or interests in Ireland? If so, that would be an answer to the greater part of the Amendment. But, if the right hon. Gentleman was not prepared to say that, he must explain why he would at the expiration of three years leave this question of land contracts to be dealt with by gentlemen who had declared themselves to be in favour of reducing the judicial rents.

MR. KNOX (Cavan, W.): They are not contracts?

***VISCOUNT WOLMER:** Then what did they call contracts, if agreements to pay rents fixed by a Court of Justice were not contracts? To say that because the Australian and Canadian Parliaments, which were subordinate, were at liberty to legislate upon the Land Question, the Irish Parliament, which would also be subordinate, therefore should not have this subject withheld from it was to compare two things which had no correlation whatever. These Colonies might demand to sever their connection with us and to become separate Nationalities. If they did, would the right hon. Gentleman the Prime Minister, or his Colleagues, be prepared to resist their demand by force of arms? No; but in the case of Ireland, would they not forbid that severance under any circumstances? Was there a single supporter of the Government who had not at one time or another stated that under no circumstances would he consent to the independence of Ireland?

AN hon. MEMBER: Yes.

***VISCOUNT WOLMER:** There was an hon. Member sitting on the Ministerial side of the House who would permit Ireland to become independent. Very well. He would leave that hon. Gentleman to settle the matter with his constituents. But, with the single exception of the hon. Member, there was no one else on those Benches who would be prepared to admit the principle of separation between the two countries. To object to the Amendment on the plea that the Colonial Parliaments were subordinate and that this power was not withdrawn from them, and, therefore, ought not to be withheld from the subordinate Irish Parliament, was playing on the mere similarity of

words—words used to convey a totally different meaning.

Amendment proposed,

In page 2, line 33, after the word "or," to insert as a new sub-section the words "(6) Impairing the obligation of contracts; or."—*(Viscount Wolmer.)*

Question proposed, "That those words be there inserted."

MR. RATHBONE (Carnarvonshire, Arfon) said, he begged to move as an Amendment to the proposed Amendment, after "contracts," to insert—

"Except with the consent of Parliament testified by an Address to Her Majesty from both Houses of Parliament."

He would ask the attention of the Committee to a short statement of the grounds on which he believed that the Amendment, when modified as he proposed to modify it, would tend to facilitate the passing of the Bill and make its working both safer and more easy and efficient. They were assured by the Opposition that the Bill would not be allowed to pass the other House of Parliament until the country had passed it after an appeal; and it ought, therefore, to be their object, by adopting such provisions as experience had proved to be wise and efficacious in analogous cases, to satisfy that moderate part of the community on both sides who really decided the fate of elections and of measures. Now, American lawyers said that the provision under consideration had been found extremely useful in preventing hasty and unjust legislation, but that the absolute form in which it existed in America had been found to fetter too much some forms of legislation beneficial to the community. It would require in America an alteration of the Federal Constitution to enable the State Government to pass a law impairing the obligation of contract; and this, it had been held, precluded legislation such as they had found necessary to make in England, and as would have been advisable in America, to deal with companies, such as railways and others, where the Courts had held that the laws giving them concessions amounted to a contract. This disadvantage had not been sufficient to induce the Americans to alter their Federal Constitution during the 100 years of its existence; but it ought to be, and could be, met in the way he had put on the Paper, where, without

the cumbrous and time-occupying machinery of a Bill whereby a single discussion and a single vote of the Imperial Parliament any safe and beneficial law or part of a law passed by the Irish Parliament could be sanctioned, which otherwise, under the proposed Amendment, would not be legal. He was quite aware that Irish Members might at first sight think that this would undesirably fetter them in dealing with important questions, say the Land Question; but he thought he could show that it would not interfere with any just or wise legislation in this respect, but would clear the way and make such legislation more practicable, while, at the same time, it would calm the fears of capitalists generally, including those whose capital was invested in land; and, looking to the importance for Ireland to attract and retain capital, this in itself would be a very great benefit. He was sure every thoughtful Irishman would see that if, as was intended, and as he hoped and believed the United Kingdom would do, it continued to lend £40,000,000 to Ireland to facilitate land purchase, it would require some precaution that the security on which it had advanced this large sum did not seriously endanger the securities on which it was advanced, however much it might trust the good intentions of the present and future rulers of Ireland. Now, the Amendment, as modified by his proposed Amendment, placed the initiative and practical suggestion and consideration of land legislation in Ireland where it would be best understood. The First and Second Reading, Committee, and Report stage would be undertaken by the Irish Parliament; but the mortgagee's assent would be required in its simplest form, and thus security would be given to him and other capitalists similarly circumstanced to measures dealing with the security on which their money had been advanced. On every side he thought this would be an advantage. Everyone who had really taken the trouble to study its origin and to the bottom the Irish Land Question must realise that all its difficulties had arisen from the fact that whereas in England the Common Law, as established by the Judges, and the legislation arising therefrom, had been founded upon the customs, habits, and needs of English life and circumstances, in Ireland their laws had been

settled, not on Irish needs, circumstances, equities, and the customs arising therefrom, but by the ultimate appeal to English Judges and English law, on the totally different circumstances, wants, and customs existing in England. They were only now beginning to realise, and had not realised yet, the fact that the relation of landlord and tenant, as existing in England, was almost non-existent in Ireland, where they were, instead, joint owners of the land; and he believed it would be a positive advantage that the initiation and discussion of any further improvements that might be required in land legislation should take place in Ireland, where they did know something about it, than here, where they were still very ignorant on the subject. Only one argument more, but it was an important one. He believed firmly that the leaders of the Irish people had every intention and determination to work a Home Rule Bill with prudence and discretion; but he believed that no one was more interested than they were in this Bill being passed with such restrictions and limitations as would strengthen their hands in resisting unreasonable expectations and demands. Till the country had settled down and come to understand what was possible by legislation, he believed it would be impossible, even by so powerful a man as Mr. Parnell himself was, to pass legislation without making promises which could not be carried out; and on this ground, he thought, a provision such as the modified one he ventured to recommend to the House would be invaluable. He was quite aware that there were provisions in the Government Bill which they considered would be more effectual than the one under consideration; but they rested on argument, this rested on experience; and that extremely stupid person, the capitalist, whether great or small, was much more easily pacified by a precaution which experience had proved to be effectual than by one which he was only assured, on authority however high, would be so. And let them think how important credit and capital were and would be to the Irish Government.

Amendment proposed to the said proposed Amendment, after the word "contracts," to insert the words—

"Except with the consent of Parliament, testified by an Address to Her Majesty from both Houses of Parliament."—(*Mr. Rathbone.*)

Question proposed, "That those words be inserted in the proposed Amendment.

*SIR C. RUSSELL said, the hon. Member was much more sanguine than he was if he thought that his Amendment, even if it were accepted by the Government, would do much to conciliate an opposition which had been all along of so uncompromising a kind.

MR. RATHBONE : I did not say in this House. I meant in the country.

SIR C. RUSSELL : I am afraid my observation is equally applicable to the opposition outside.

MR. J. CHAMBERLAIN : Hear, hear !

SIR C. RUSSELL said, the entire argument, both of the noble Lord and of his hon. Friend, dealt with the question of land legislation and legislation relating to landlord and tenant.

MR. RATHBONE : My argument was in relation to capital of any kind.

*SIR C. RUSSELL said, his hon. Friend's speech was mainly directed to land legislation, and that properly came for consideration he submitted under Clause 35 ; and, so far as that branch of the question was concerned, he (Sir C. Russell) wished to state the view of the Government with regard to it. There was in Clause 35 a provision preventing the Irish Legislative Body from dealing at all with this question of land for three years. The position of the case at the end of that time, assuming the Bill to become law, would be either that the Imperial Parliament would in the meantime have dealt with the question, or that it would have upon it the obligation of fixing the terms and the conditions upon which it would delegate to the Irish Legislature the power to deal with it.

An hon. MEMBER : Is that in the Bill ?

*SIR C. RUSSELL said, what the Government proposed was in Clause 35.

MR. A. J. BALFOUR : It would shorten our proceedings if the hon. and learned Gentleman would tell us how in Clause 35 that policy is carried out, or whether he proposes to modify Clause 35 in order to carry it out ?

SIR C. RUSSELL : If Clause 35 is inapt for the purpose I have indicated, it may be necessary to make some alteration in it. The effect of the clause as it

stands is to deprive the Irish Legislature of all authority on the Land Question for three years.

MR. J. CHAMBERLAIN : Does not Clause 35 deal only with temporary restrictions, and when they are removed will not the Irish Parliament have absolute authority ?

*SIR C. RUSSELL said, that he could not make his point any clearer. The present clause was taken, as the noble Lord quite correctly stated, from the American States Constitution. The first observation he would make on the Amendment was that it would be found in every text writer that such a clause was a grievous impediment in the way of admittedly useful legislation. A great deal of litigation which had arisen had been in relation to contracts, said to be evidenced by grants from the State—Charters to Corporations and the like. He had given his reason why he was not considering that portion of the clause dealing with the relations of landlord and tenant. The Resolution, if carried as amended, would render it impossible for the Legislative Body to do anything which would in any way impair the obligation of contract, except on an Address by the two Houses of Parliament. What was the meaning of that ? Why the Irish Legislative Body would be excluded from legislation extending over a large area of subjects which had been found most useful and necessary in this country. Some illustrations had been given by the hon. Member for Haddington, which undoubtedly had some bearing on the earlier Amendment, but which had a more direct bearing on the particular subject now before the Committee. But there were other illustrations. There was an English Act taking away from the landlord of property a right of re-entry upon breach of a stipulation ; if the nature of the breach was such that it could be remedied by the payment of damages. That provision was applicable to leases made either before or after the passing of the Act, and should have effect notwithstanding any stipulation to the contrary. In other words, Parliament had recognised that there was a case in which, but for legislation which directly impaired the obligation of contract, injustice would be done, and it sanctioned that impairing of the obligation of contract.

The next illustration was to be found in the Settled Land Act affecting the common case of quit rent or rent charge issuing out of the land. A man might invest his money in that particular way ; but though a bargain might have been made whereby a fixed quit rent was to be secured for ever, the Legislature stepped in and said the landowner might claim the right of discharging that quit rent altogether. Then, under the Act of 1882, which was passed when Lord Selborne was Lord Chancellor, in the case of settlement contracts with a remainder to others, it was laid down that, even where such settlement was embodied in an Act of Parliament, it was for the general good that there should be power in the tenant for life to sell the whole estate, instead of the remainderman getting what he was entitled to under his contract. The remainderman got the purchase money represented by his interest in the estate. That provision, again, operated retrospectively. Although these illustrations did not upset the general proposition that a contract was not a thing to be lightly interfered with, they showed that the matter was not one which ought to be taken out of a Legislature passing laws in the interest in the community. The hon. Member for Carnarvon said he did not wish to make interference with contracts impossible—that all he wanted to do was to substitute an easy method—and he (Sir C. Russell) was amazed at the language the hon. Member used—which would leave to the Irish Legislative Body the initiation of legislation of this nature, though the concurrence of the House of Commons, and, what was still more difficult to obtain, the concurrence of the House of Lords, would have to be obtained. The hon. Member was much more sanguine than he (Sir C. Russell) would be. In his opinion, the Amendment of his hon. Friend would be an aggravation of the difficulty and not a mitigation of it. These were the reasons why the Government could not accept the Amendment as originally proposed, or as it was proposed to amend it.

Mr. RATHBONE said, he moved his Amendment as a matter of expediency, because he considered that, for a time at least, and especially if the Irish Legislature were to deal with land in Ireland, it would diminish immediate difficulty in

this Parliament if the Irish measures had to be passed by it as Provisional Orders were now passed through both Houses.

*MR. ARNOLD-FORSTER (Belfast, W.) said, that the hon. and learned Member for Haddingtonshire had narrowed the argument so successfully that he had succeeded in getting rid of every notion or idea that they were discussing a great Constitutional issue, and had reduced them to a level of a purely technical legal discussion. The Attorney General, who they had hoped would have raised the level of the discussion, was, he regretted to say, a good deal disappointing. That hon. and learned Member and others who had taken the Government view of the present Amendment had asked what were the grounds on which those of them who spoke on behalf of the Irish Unionists based their demands? There were many of those grounds ; but he would begin them by quoting from an authority who had been appealed to already, not once or twice, but many times, by the Attorney General and his Colleagues. The Unionists believed it was desirable that there should be some provision in the Bill to prevent the impairing of the obligation of contracts for precisely the same reason which operated on the mind of that distinguished person, the practical constructor of the American Constitution. Mr. Hamilton, said—

“ *Ex post facto* laws and laws impairing the obligation of contracts are contrary to the just principles of the social compact, and to every principle of sound legislation.”

It might be said that there was no necessity to guard against things that were so improbable that there was no danger of their being done ; but that was not the opinion of Mr. Hamilton when he wrote in the *Federalist* as to the necessity for this Article in the American Constitution. He wrote—

“ Our own experience has taught us that additional fences against those dangers ought not to be omitted.”

The Attorney General had shown no reason whatever why they should take a different view to that adopted by the framers of the American Constitution, and he had entirely failed to meet the contention of those who said there were a thousand reasons of the strongest kind why they should be anxious to give shape in the Bill to the proposals that were

thought adequate by the framers of that Constitution. One of the inevitable results of the recent absence of the Attorney General from this country was that he had not had the advantage of hearing the Debates which had taken place during the early part of these discussions. He was certain that if the hon. and learned Gentleman had been present he would have been anxious not to add one drop to the ocean of cant, the cataract of sentimentality with which they had been overwhelmed since the Session began. He hoped they would hear no more of the saintly character of the proposed Irish Legislature.

*SIR C. RUSSELL: I did not use that word.

*MR. ARNOLD-FORSTER said, the hon. and learned Member had not used those words; but he had endowed the Irish Council with attributes which could only adorn a Parliament of Saints. He (Mr. Arnold-Forster) and other Unionist Members from Ireland did not in the least value these protestations of confidence in the future Irish Legislature. No one who had seen the men who were to be the leaders and promoters of that Legislature at work, and who had followed the work they had done, could value a snap of the finger these everlasting appeals as to the virtues of a future Irish Legislature. The Attorney General might just as well drop that class of argument for any good it was likely to do. [*Cries of "Question!"*] The Government took the view that hon. Gentlemen on the other side were likely to be not only an efficient but extraordinarily moral and wise body of men. Well, he (Mr. Arnold-Forster) took an exactly contrary view. He did not know on what ground the Government and their supporters based their views. He knew the ground on which he and his friends based theirs. They said that hon. Members opposite would do in the future precisely what they had done in the past, and what they had told them they would do, and he had found himself utterly unable to take the stand indicated by the Prime Minister and the Attorney General, and say, "These men have lied, and lied, and lied." [*Cries of "Order!" and interruption.*]

*THE CHAIRMAN: I would call the attention of the hon. Member to the fact

Mr. Arnold-Forster

that he is not speaking to the Amendment.

*MR. ARNOLD-FORSTER: I readily recognise your ruling, Sir, but my object was to point out—[*Cries of "Order!" and "Withdraw!"*] I have nothing to withdraw. [*Cries of "Order!"*] Well, I will put it in this way: You cannot at present persuade me that all that hon. Gentlemen opposite have said is untrue.

MR. MACFARLANE (Argyll): I rise to Order. Is it in Order for an hon. Gentleman to charge against a large number of Members in this House that they have "lied, and lied, and lied"?

THE CHAIRMAN: The reason I rose was because what the hon. Member was saying was altogether apart from the Amendment. I really must ask the hon. Member to keep to the point.

MR. MACFARLANE: Do I understand your ruling to be that it is competent to charge men with having lied?

THE CHAIRMAN: If the hon. Member had made that charge I should have called him to Order. The hon. Gentleman who rose to Order could not have heard what the hon. Member said.

*MR. ARNOLD-FORSTER said, that what he desired to point out was that the appeal made by the Attorney General, and those who took his view, was that they could safely dispense with these safeguards, because they had no reason to anticipate that acts would be done by the Irish Legislature which would come in conflict with the principles of equity and justice. If that argument were a sound one, then the reply of the Attorney General was to the point and practical. But his belief was that there were no reason whatever to agree with these anticipations, and as there were no safeguards in the Bill, it was the duty of the Committee to provide them. There was a very serious danger that the Irish Legislature would, on a very early day in its career, take steps to do away with the obligations of contract; and in saying that, he relied on the statements which had frequently been made by Nationalist Members as to what they proposed to do when they had the government of Ireland in their hands. If those promises were attempted to be carried out, it would be the duty of this Imperial Parliament instantly to put its powers into force to restrain them. It should be remembered that the Nationalist

Members regarded and judged certain matters in relation to the administration of the Civil and Criminal Law, and especially the law relating to contracts, from a point of view entirely different from the point of view from which they were regarded and judged by the English people. They had told the Irish people over and over again that the obligation of contract, as English people understood it, was not binding, and that at the very first moment they got the opportunity they would release the Irish people from the obligations they had contracted. In fact, at the present moment Nationalist Members were continuing that course of procedure, for they were attempting to defy the existing law with regard to contracts, and to persuade the people of Ireland that not only was it their duty to ignore the obligations of contract, but that they would be held harmless if they disregarded these obligations. They had all heard of "Pandeon O'Rafferty's Catechism" and the "No-Rent" Manifesto. Those documents were aimed deliberately at existing contracts. The statements of hon. Gentlemen opposite with regard to contracts were not merely the accidents of the day, but were deliberately-conceived views to which they thought it their duty, as Representatives of the Irish people as they called themselves, to give expression. The opinion widely prevailed in Ireland—and it was an opinion which had been fostered by hon. Gentlemen opposite—that there was an equitable claim, which was enforceable as a legal claim, on the part of persons who, by statutory enactment and the process of the Courts, had been put out of their farms, to come back. There were a large number of members of the League who had shown an *animus revertendi*, coupled, he was afraid, with a mixture of *animus furandi*. During the present year, in the County of Limerick, a man bought a property, and had been in full enjoyment of it for four years, when one of those men who had shown the *animus revertendi* and the *animus furandi* returned from America, said the property was his, and claimed it. What happened? A meeting, which was advertised in the local papers, was held in the locality by the followers of hon. Gentlemen opposite, and the man was told that he would either have to give up the property or to

pay a fine of £200 to this self-constituted tribunal in order to purge the offence of paying for and occupying his own property. If that were a just and honourable and straightforward transaction in the eyes of Nationalist Members at the beginning of this year, what evidence was there that it would not be equally just and honourable and straightforward two years hence? They had been told that this "angelic Parliament" would never endeavour to go an inch beyond the law. He would give the Committee an instance which occurred not eight or nine years ago, but within the past six months, of the kind of judicial tribunal which was held throughout the country by the supporters of hon. Gentlemen opposite, and who, indeed, in holding these tribunals, were carrying out step by step and line by line the teachings they had received from these hon. Members. This tribunal was held for the trial of one of Her Majesty's subjects, and the offence with which he was charged was that under the protection of the law he had effected a contract—in other words, that he had bought a property and had occupied it. The man was told that he must render up the property or pay a fine. The transaction was thus referred to in Court by the County Court Judge of the district—

"The evidence in the case disclosed a very startling state of affairs which he could not have imagined existed so far North—worse could not be heard of in Clare. If it was true as disclosed on oath by witnesses that this gang of scoundrels,"

—by which the learned Judge meant the local National League—

MR. HARRINGTON (Dublin, Harbour): Might I ask the hon. Member if there is any mention of the National League in that Report?

*MR. ARNOLD-FORSTER: Yes, there is; not the National League, but an identical body—the Land League—

MR. HARRINGTON: There is no Land League now.

*MR. ARNOLD-FORSTER said, the present Body was a case of Apostolic succession. But he might be allowed to finish his quotation. The County Court Judge said—

"If it was true, as disclosed on oath by witnesses, that this gang of scoundrels sat at this place and had the audacity to fine the defendant in this action, he assured them if they were brought before him he would certainly

deal with them with a very strong hand, if it lay in his power; it was an offence against the Queen of the highest description. To say that men will be prevented from discharging their honest debts, and that it is tolerated in a civilised country is a perfect disgrace to the Government."

If that were done in the green tree what would be done in the dry? These Courts were held year after year under the sanction and by the order of the National League; and he thought he was entitled to quote the actions of those who will form the Dublin Legislative Council of the future as a sure guide to what would be the course of conduct of that Legislature in regard to the obligations of contract. They had been told by the Attorney General that they ought not to insert in the Bill this provision from the American Constitution, because it would prevent the Irish Legislature from passing Acts of Indemnity and a number of other excellent Acts. The Loyalists of Ireland were, however, prepared to take that risk. The people of the United States had struggled along for years with this Magna Charta in force, and they were likely to struggle along in the future as in the past. But if it were the fact that the insertion of the Amendment in the Bill would prevent useful legislation, it must be apparent to the Attorney General, as it was apparent to every Member of the House, that there was a tribunal before whom these matters could be brought, and before whom these matters ought to be brought. There were thousands of reasons why in the state of Ireland as it was, and as it would be for years to come, it would not be desirable to bring these questions before the Irish Legislature, especially as there was another tribunal before whom they could be brought, and by which they would be decided with the assistance of Members from Ireland. That tribunal was the Imperial Parliament. He had every confidence in the Imperial Parliament, and believed it would give proper attention and consideration to every matter that was brought under its notice. He believed that if those measures ought to pass they would be passed by the Imperial Parliament, and he did not consider it a wise argument to say that these matters should be excluded from the cognisance of the Imperial Parliament

merely because if brought before the Imperial Parliament they would receive scant shrift, and, after having been considered, would be negatived on their merits. But the Attorney General went further. The right hon. Gentleman had said that it was supererogatory to discuss any matter referring to the land in connection with the Amendment. Then the Irish Unionists would want to know the position they were in with respect to that question. He admitted there were important matters outside the land that were affected by the obligation of contract. But the Land Question was of overpowering importance in Ireland. The Attorney General had told them for the first time that the question of the land was put on a basis absolutely different to that on which they believed it would be placed. The right hon. Gentleman told the Committee that the clause in the Bill was not the clause he desired to put into the Act. Then they had been misled, and the Government had been parties to misleading them. What they had been justified in believing up to that moment was that for three years the Imperial Parliament was to have control of the land, and as to what might happen after those three years the Bill was silent. The conclusion which anyone of common sense, whether lawyer or layman, would draw from that was that at the end of those three years that provision would lapse, and the treatment of the Land Question would revert, simultaneously with the falling in of a large number of judicial rents, to the Irish Council.

*SIR C. RUSSELL: My hon. Friend is under a misapprehension as to what I said. What I did say, or intended to say (it was probably my fault), was that the question of land did not arise properly under this Amendment, because it was dealt with under Clause 35, and I said that under that clause the scheme was that for three years the Irish Parliament had nothing to do with the land, but I did not imply that it was the intention of the Government to introduce any provision differing from the effect of the provision existing in the Bill, while pointing out, as must be obvious to everyone, that it was perfectly open to the Imperial Parliament to introduce any legislation on the subject which it may think right.

*MR. ARNOLD-FORSTER said, he was perfectly prepared to accept the explanation of the hon. and learned Gentleman, but he thought it would be disappointing to some hon. Members now absent to find that they had been misled in the matter. The Committee, however, were entitled to know to what extent they were charged with the matter, and why they were not now fully competent to legislate on the question of contracts in this Bill. Night after night they had watched their liberties being shred away one by one. There were liberties common to all men; there were some which were particularly essential to a commercial community. The Government had taken away from the people of Ulster their privileges of habeas corpus and of the Petition of Right, and now they were taking away the power to legislate on contracts—a matter in which the commercial and agricultural classes in Ireland were vitally concerned—and giving it to persons whose dealings with contract had been condemned a hundred times in that House by both Parties; and whose actions had been denounced in language of thunder by Members of the Government, to men who, as members of the Lower Division of the Dublin Council, would act in the future as they had acted in the past.

MR. CARSON (Dublin University) said, he hardly thought, having regard to what had taken place during the early discussions on the Bill, that the Committee had had any sufficient explanation from the Attorney General, who was the only Member on the Treasury Bench who had addressed the Committee on this subject. On the Second Reading of the Bill the Chief Secretary was asked by the right hon. Gentleman the Member for Bodmin why the Government had left out this important provision of the American Constitution, and the Chief Secretary said that it was a matter of extreme importance, and that the Government before going into Committee would consider whether they would not accept it as being a perfectly fair Amendment. The Chief Secretary gave two reasons for not introducing it into the Bill—first, because it failed to baffle some kinds of legislation which was objectionable; and, secondly, because it checked other kinds of legislation which

were unobjectionable. These were objections that did not go to the principle of the Amendment. They might be met by so amending the Amendment that it would really baffle objectionable legislation, and remove the check to legislation that was unobjectionable. He wished to know had the Government since the Second Reading given any consideration to the matter at all?

MR. J. MORLEY: I have given the reasons why we left out the American provision with regard to contracts, and I stated that the experience of the operation of the provision in the United States was that it did not prevent some kinds of objectionable legislation, while it impeded some kinds of legislation that was unobjectionable.

MR. CARSON said, that the Amendment could be so altered that it would baffle objectionable legislation and remove the check to legislation of an unobjectionable character.

MR. J. MORLEY: My point is that this particular provision is inoperative for its object.

MR. CARSON asked, was there any special objection to it? On the Second Reading the Chief Secretary had said in reply to the right hon. Gentleman the Member for Bodmin—

“There is no special objection to the importation of these restrictions if it is thought desirable when the Committee stage comes on, and if my right hon. Friend will argue his case he will be listened to by the Government with perfect consideration.”

It now appeared that this “perfect consideration” meant that before the right hon. Gentleman had argued the matter the Attorney General got up and said that the Government were determined to accept this Amendment. They knew the explanation of that change of front. The Government at the time the right hon. Gentleman made the declaration that the subject would meet with their careful consideration little knew the taskmasters they were serving. Amendments which, in the opinion of hon. Members behind them, were unobjectionable and in the interest of the loyal minority ought to be accepted the Government were not allowed to accept. The right hon. Gentleman said that this provision had been inoperative in America.

MR. J. MORLEY: Inoperative for good.

MR. CARSON said, of course he and the right hon. Gentleman might differ as to what was good in reference to the obligations of contract. For instance, the right hon. Gentleman might think that the breach of contracts in relation to land was perfectly praiseworthy, while he thought that contracts in regard to land stood like all contracts, and ought to be enforced. But, to go outside the question of land, it had also been held that this provision would prevent Acts which would affect the validity of contract. Was a subordinate Parliament to be allowed to pass Acts which would affect the validity of a contract, the construction of a contract, the duration of a contract, the discharge of a contract, the evidence of a contract, and, above all, to abrogate the substantive remedy for a breach of contract? Was the Irish Legislature to have the power to take away what was practically the only substantive remedy for contracts in relation to land—namely, ejectment for non-payment of rent? These were matters which had been brought before the American Courts, and in every one of them it had been found that the provision was operative for good. He wanted to know whether the subordinate Parliament was to have these powers in relation to contracts—the power really of putting an end to contracts altogether—and, if so, why? The Attorney General said he would not argue the question of land. He said that before the land devolved upon the Irish Legislature the Imperial Parliament would fix the powers and conditions of delegation. If so, he admitted that that was an important concession; but they wanted to know, before the Irish Legislature got the whole control over contracts, what were the powers and conditions of delegation which the Government proposed to bring into the Bill in a subsequent clause, according to the promise of the Attorney General?

SIR C. RUSSELL: I did not promise that the Government would bring in any; I referred to the power of the Imperial Parliament to deal with the question.

MR. CARSON asked if they were to understand that the Attorney General meant that the Imperial Parliament would fix the powers and conditions of delegation?

*SIR C. RUSSELL: I said that Clause 35, together with Clause 4, does fix certain terms which, of course, it is in the power of the Imperial Parliament to alter if they desire to do so, but I did not pledge the Government to any intention to alter them.

MR. CARSON said, he only wanted to know whether or not, according to the Attorney General, the Imperial Parliament was going to fix the powers and conditions of delegation? He hoped there would be some more light thrown upon the question. One of the very best effects of the Amendment would be that it would not, if carried, allow the Irish Parliament in anywise to deal with or infringe upon rights that had been conferred by Royal Charter. By the Bill as it stood the Irish Legislature would have the power to exercise rights which this Imperial Parliament itself had never exercised. As to the argument that the Amendment would prevent certain beneficial legislation, he admitted that the Settled Lands Act was a strong interference with private property; but his argument was not that these things might not be done, but that they ought not to be done by a subordinate Parliament in which the overwhelming interest would be the agrarian interest. Was the Irish Parliament to have the power, as regarded the evicted tenants, to confiscate the rights of those who had already acquired interests under this Parliament in evicted farms? The question in relation to the evicted Irish tenants had given rise to considerable discussion, and the Irish Members had shown that in regard to it they were at considerable variance with the rest of the Members of the Imperial Parliament. He admitted that those tenants had been very badly treated, because hon. Gentlemen opposite had held out promises to them which had never been fulfilled for the purpose of making political capital. [*Cries of "Question!" and "Order!"*] He alluded especially to the right hon. Gentleman the First Commissioner of Works. [*Renewed cries of "Order!" and "Question!"*]

*SIR F. S. POWELL (Wigan): I rise to Order, Sir. It is utterly impossible to hear a word of what my hon. and learned Friend is saying in consequence of the persistent interruption of hon. Members below the Gangway.

MR. SEXTON (Kerry, N.): I rise to Order, Sir. I wish to know whether the hon. and learned Gentleman is in Order in referring to the evicted tenants?

THE CHAIRMAN: I hope the hon. and learned Gentleman will keep to the Question.

MR. CARSON said, he would confine himself strictly to the Question. He was arguing as to the probability of hon. Members below the Gangway, when they got power, interfering with contracts between landlord and tenant, and he asserted that it was entirely germane to show that not only had they themselves already so interfered by their conduct, but that they had been actually supported by the right hon. Gentleman on the Treasury Bench in inducing tenants to break their contracts. He wished to know whether the Committee would with their eyes open allow the subordinate Parliament to interfere with contracts, and so make good the promises which the right hon. Gentleman opposite had made? What was to become of the unfortunate men who, in defiance of the Land League, had gone back to their farms carrying their lives in their hands? Did the Committee intend to give hon. Members below the Gangway the power to turn those men out of their holdings and thus to bring the law into contempt? He had hoped—[*Loud cries of "Oh!" and interruption from hon. Members below the Gangway.*] He wished that hon. Members below the Gangway would not take so much trouble to prolong the Debate. He hoped that the hon. Members opposite, who he had no doubt were quite as anxious that existing contracts between Irish tenants and their landlords should be carried out as hon. Members on the Opposition side of the House were, would look upon things not as they were in this country, but would take warning by what had taken place in Ireland in the past, and have regard to the past history of the Irish Nationalist Party. [*Cries of "Oh!" and "Order!"*]

Mr. Sexton rose in his place, and claimed to move, "That the Question be now put;" but the Chairman withheld his assent, and declined then to put that Question.

Debate resumed.

MR. VICARY GIBBS (Herts, St. Albans) said, that the Attorney General had stated that if Clause 35 was not adequate to deal with the question, words should be added. If the Government did not intend to add such words, what did the statement of the Attorney General mean? He could not help thinking that the hon. and learned Gentleman had spoken unadvisedly, and that he had since consulted with his Colleagues, and had been told to get out of the position as quickly as he could.

MR. J. CHAMBERLAIN: There is one corner of the House from which frequent interruptions proceed, not at one period but at all periods. We have again and again appealed to hon. Members opposite to take part in the Debate. We are in possession of their views upon the whole Irish Question up to the introduction of this Bill, and we have had occasion from time to time to quote their opinions, but we ask them—[*Interruption by Irish Members below the Gangway.*]

MR. BARTLEY (Islington, N.): I rise to Order, Sir. The hon. and learned Member for Louth is continually interrupting.

THE CHAIRMAN said, that he hoped hon. Members would not interrupt the right hon. Gentleman. It was extremely difficult to hear the Debate if the speakers were interrupted. He hoped that hon. Members would assist the Chair in this matter by preserving Order.

MR. J. CHAMBERLAIN: I was saying, Sir, that we should be glad if hon. Members opposite would favour us with their views. We have not asked them for their views as expressed previously to the introduction of this Bill, but we want to know what modification has been made in those views by the introduction of this Bill. But up to the present time we have failed to secure the slightest return to our invitation. To-night, however, the silence is broken. The hon. Member for North Kerry has made a speech, and nobody, I am sure, will complain of the speech which he has just delivered, for all it contained was the Motion that the Question should be put. What is the question with regard to which the hon. Member desires to stop a discussion which has lasted only

an hour and a half? It is a question that not only affects all contracts in Ireland, but especially those contracts which relate to land in that country, and it is, therefore, one that is certainly worthy of the careful consideration of this Committee. I have not to go far for my authority on this point. Lord Spencer on this subject said—

“Everybody knows there have been many feuds in Ireland and animosities which cannot be expected to die at once. Foremost is the Land Question; the whole force of Irish agitation at one time was against the Irish landlords. I do not for a moment think it would be just and honest in a British Parliament to leave unprotected and uncared for the landlords of Ireland. We have at different times curtailed their rights by Act of Parliament, and it would be a mean and treacherous thing if we did not defend what we consider their just interests.”

Are the Committee, at the instigation of the hon. Member for North Kerry (Mr. Sexton), one of the parties to this dispute, going to do the mean and treacherous thing Lord Spencer said they never would do? The Committee are called upon to treat this Amendment from two points of view—from the point of view of the Irish Land Question, to which I will return presently, and—

MR. SEXTON: If the right hon. Gentleman considers I am mean and treacherous, I tell him to his face it is not true.

MR. J. CHAMBERLAIN: I really do not see the relevancy of that interruption. Lord Spencer, from whom I was quoting, said that it would be a mean and treacherous thing for the British Parliament to leave the interests of Irish landlords uncared for. I quoted Lord Spencer in support of the contention that this question affecting the interests of the Irish landlords is worthy of serious consideration, and we are not going to be shut out from its serious consideration by Motions for Closure, or by the rude interruptions of hon. Members opposite. I was going to call attention chiefly to the Land Question. Before I do so there are two points upon which I would say a word. When the Amendment was moved how was it met? The Attorney General got up and said, in answer to the hon. Member for Carnarvonshire (Mr. Rathbone), who also urged the acceptance of the Amendment with the addition of his Proviso, that if the Government were to accept it he was afraid it would not conciliate the opponents of

the Government. In what sense would it not do so? Is it pretended by the Government, and claimed for the first time by the present, of all Governments, that no Amendment is to be considered favourably by them unless accompanied by the assurance on behalf of the Opposition that they will be conciliated throughout the whole course of the Bill? It is a perfectly absurd contention. I would ask the Attorney General whether, when he spoke of not conciliating the Opposition, he included hon. Members opposite? They are the Members who will not be conciliated, and under dread of whose lash the Government sit, and refuse to accept Amendments the principle of which they thoroughly approve. Then the Attorney General said there were certain contracts in land as to which a prohibition of this kind would lead to serious results, and that they had led to difficulties in the United States of America. The authorities the Attorney General quoted show clearly that the Americans, on the balance of advantage and disadvantage, approved of this in their Constitution. I think it is accepted as a principle by the Government that in all these matters, if the balance is in favour of the Amendment, the Government would accept it. American experience and authority is wholly on the side of this security afforded by this Amendment. Has any authority ever suggested there should be an amendment of the Constitution to remove this restriction? I now come to what, after all, is the main question. [*Cries of “Divide!”*] No; we are not going to divide. Am I to be precluded by hon. Members opposite from considering the arguments of those to whom they pay a qualified allegiance? No; I have more respect for the Government than have Members opposite, who treat them as slaves. [*“Divide!”*] I will wait the pleasure of hon. Members. Every Member of the Government has admitted that the agrarian difficulty lies at the bottom of the Irish Question, and originated the demand for Home Rule. Therefore, when we come to the Land Question we touch the *cruz* of the situation. Nevertheless, the Attorney General refused to say a word about the Land Question. Why? Because he said there were two alternatives in the Bill—first, the Bill provided that the

Land Question should not be dealt with by the Government exhaustively and in such a manner as to constitute a final settlement. [*Cries of "Question!" "Order!" and "Divide!"*] Mr. Mellor, I must appeal to you to protect me.

THE CHAIRMAN: I appeal to hon. Members to keep Order. [*Cries of "Where!"*] Order, order! It is impossible to carry on a discussion unless hon. Members assist the Chair.

MR. J. CHAMBERLAIN: I was saying, as regards the first alternative of the Government, the settlement to which they refer must of necessity be an exhaustive settlement, a complete and final settlement, or else it would be no settlement at all, and it is no answer to our contention to say they were going to make a settlement, unless they had in contemplation an exhaustive and final settlement. I put it to the Committee and to the Government, Does the Government intend to make that exhaustive and final settlement of the Irish Land Question, which has been a question for centuries; and if they do, what change does the supporters of the Government think there will be for any part of the Newcastle Programme during the next three years?

MR. T. M. HEALY (Louth, N.): I rise to Order, Sir.

MR. J. CHAMBERLAIN: Then I come—

MR. T. M. HEALY: I rise to Order, Sir. I wish to ask whether, in discussing the question of contracts in Ireland, it is in Order to discuss the Newcastle Programme?

THE CHAIRMAN: The right hon. Gentleman alluded to the Newcastle Programme; he did not propose to discuss it.

LORD R. CHURCHILL (Paddington, S.): May I ask, Sir, whether repeated questions, frivolous questions, as to questions of Order, have not been themselves ruled by authorities in the Chair as the most disorderly thing that can be done?

*THE CHAIRMAN: Frequent rising to Order without necessity has been held to be disorderly.

MR. SEXTON: On a question of Order, I wish to ask whether, in regard to a question of Order to which you have given a reply, the noble Lord, who is a distinguished specialist, is entitled to

stigmatise the question of Order as disorderly?

THE CHAIRMAN: The noble Lord appealed to me, and I gave him an answer.

MR. J. CHAMBERLAIN: I am afraid these interruptions have a tendency to prolong my speech, because in appealing to the supporters of the Government I wish that my meaning should be made clear, and I have to go back again in order that that should be done. I have dealt with the first alternative of the Government, and my allusion to the Newcastle Programme was intended to show that it would be really beyond their power to deal finally and exhaustively with the Irish Land Question for the next three years without abandoning the whole time of Parliament to it. I, therefore, come to the other alternative, which is that there is to be no dealing exhaustively with the Irish Land Question for the next three years, and then, said the Attorney General, the Government would make conditions and restrictions such as might be necessary to protect the interests involved. The intention of the Government is that at the expiry of three years these provisions which the Committee are now discussing and which the Government will not accept, or rather such conditions and restrictions as might be thought to be necessary or desirable, should be imposed on the Irish Legislature. Therefore, at the expiry of the three years there will be another discussion on what will be equivalent to another Home Rule Bill. The Attorney General has spoken as if it were a necessary consequence of the Bill as it stands that these conditions should be imposed. Where are the conditions in the Bill? The hon. and learned Gentleman has referred to Clause 35. But Clause 35 is headed "Transitory provisions," and only imposes restrictions for three years, so that at the end of that time, unless the Government propose a new Bill, the Irish Parliament will be free to deal with the question. The Government have to-night admitted that it would be necessary in the interests of the Irish landlords that some conditions for their benefit should be inserted. Then why in heaven's name should they not be inserted now? Why should the Committee be told that they were to wait until three years hence

when they know not what may then be occupying the time of Parliament? I have seen suggestions from amateur Constitution-makers that the Government ought to divide their Bill; but I have never believed for a moment that a Government, led by the Prime Minister with all his experience, would be so foolish as to try that proposal, which would only get them out of one hole to land them in a bog infinitely deeper. The Government are apparently prepared to suggest that these provisions should be discussed in a new Parliament three years hence; and on the ground of that absolutely illusory promise to discuss them three years hence, when they do not know that they will even be in Office, they ask the Committee to give up their right to discuss the question now.

MR. A. J. BALFOUR: I do not wish to prolong this discussion, but I do wish to get an answer from the Government. The Attorney General made an interesting and powerful speech, but unfortunately in a somewhat empty House about 8 o'clock, and there was one statement he made to which I called attention at the time, and upon which we must have some more explicit information. He said the Amendment we are now discussing referred to two classes of subjects—contracts relating to land and other contracts not relating to land, and he said he would not deal with the contracts relating to land, because in Clause 35 the whole subject of land was deferred for three years, and at the end of that time this Parliament would determine clearly on what principles land would henceforth be dealt with in Ireland. I asked the hon. and learned Attorney General whether under Clause 35 there was any provision suggestive that at the end of three years it would rest with this Parliament to lay down the principle within which, and within which alone, the Irish Parliament can deal with the land; and I asked whether it was the intention of the Government so to amend Clause 35 that it would carry out what we understood were now the intentions of the Government? The hon. and learned Gentleman gave me no distinct answer at the time, and he was not obliged to answer, because my observations were by way of interjection and interruption, and he was justified in leaving them to a later stage; but that later stage

has now arrived, and I would respectfully ask whether the Government will now give the Committee a clear intimation of what their intention is. Do they think that Clause 35 as it stands now will give the Imperial Parliament the power and impose upon it the duty of prescribing to the Irish Parliament at the end of three years the limits within which that Parliament could alone deal with the Land Question? If Clause 35 will not give that power and will not impose that duty, do the Government mean to propose an Amendment to the clause for the purpose of making it accord with the policy which they have avowed?

MR. SEXTON did not say that the considerations raised in the questions put by the right hon. Gentleman were absolutely irrelevant; but he must say that upon an Amendment raising the question whether the Irish Parliament should be free to legislate on a question affecting contracts to raise the question of possible Amendments on Clause 35 seemed to him to be extravagantly and unduly widening the boundary of the Debate. He had heard the Attorney General more than once explain what his meaning was, and, as he understood it, the meaning of the Attorney General was that during the period within which the Irish Parliament would not have the power to legislate on the Land Question the Imperial Parliament would have the power to do so, and that during that period the Imperial Parliament would also have the power to attach conditions to the right of legislation on the subject. But he also understood that the Government did not intend to impose upon the Irish Legislature any other restrictions than the general restrictions which were found in Clause 4.

SIR C. RUSSELL: I deprecated discussion on the Land Question at all on this Amendment, because I hold that Clause 35 would be the proper occasion to discuss it. I said either the Land Question would be dealt with by the Imperial Parliament, and dealt with exhaustively within the three years, or it would not. If it were, though it would be a sanguine expectation, we might hope that it would be removed from discussion; if not it must be dealt with by the Irish Legislative Body, sub-

ject to such restrictions as the Imperial Parliament thought right to impose.

LORD R. CHURCHILL (Paddington, S) rose—

Mr. Byles rose in his place, and claimed to move, "That the Question be now put"; but the Chairman withheld his assent, and declined then to put that Question.

Debate resumed.

LORD R. CHURCHILL said, he did not know what motive could actuate an hon. Member in endeavouring to silence them in a debate on a question of this character. He could assure the House that it was not losing time, because nothing could tend to a greater consumption of time than misunderstanding. That was a reasonable proposition. Well, now, neither the hon. Member for North Kerry nor the Attorney General seemed to have a clear idea of what would be the effect of the rejection of this Amendment. On that subject they were completely in the dark. If they were not certain whether it would be in their power to deal with the question on Clause 35, it was quite impossible to say what difficulties might be thrown in their way, or on what principle they were going to deal with the subject in three years. ["Divide!"] He hoped the Chief Secretary would bear with him. They could not tell what might happen in Ireland under the operation of the Home Rule Bill. They knew at the present moment certain people had certain rights—["Divide, divide!"]—and they would not lay down the most elementary—[*Loud cries of "Divide!"*] He prayed that he might be heard. He never interrupted anyone, and why should they interrupt him?

An hon. MEMBER: Speak to the Amendment.

LORD R. CHURCHILL said, it would be better for them to deal with the question at once, and not let it stand over for three years to be dealt with then by another Government and another Parliament. Let them lay down the principle on which they were going to proceed. If they did not do that they would not only embarrass themselves now, but would lay up an immense quantity of embarrassments, and unnecessary embarrassments, for those who happened

to be there in three years' time. [*Interruptions.*] Were they to do their business in a business-like way? [*Laughter and a cheer.*] He very seldom discussed the Bill in the Committee, and he might be allowed to speak. What he said was, that it was impossible for them to come to a real decision if they voted in the dark; and he hoped the Government would, by the acceptance of an elementary principle, relieve them from a difficulty. He feared, however, he had not got sufficient influence to induce them to do this, and in that case the matter would have to be decided by the Committee itself.

Question, "That those words be inserted in the proposed Amendment," put, and agreed to.

Question put,

"That the words '(6) Impairing the obligation of contracts, except with the consent of Parliament testified by an Address to Her Majesty from both Houses of Parliament,' be there inserted."

The Committee divided:—Ayes 223; Noes 260.—(Division List, No. 157.)

THE CHAIRMAN: The Amendment standing in the name of the noble Lord the Member for Rochester (Viscount Cranborne) is out of Order; the Amendment next on the Paper in the name of the hon. Member for Wandsworth (Mr. Kimber) is also out of Order; the next Amendment, which is in the name of the hon. and learned Member for St. Stephen's Green, Dublin (Mr. W. Kenny), will come properly under Clause 35; the next Amendment after that stands in the name of the hon. Member for North St. Pancras (Mr. T. H. Bolton). It is out of Order; and so are the Amendments in the names of the hon. Member for West Belfast (Mr. Arnold-Forster), and the hon. Member for London (Mr. Alban Gibbs).

MR. HARRY FOSTER (Suffolk, Lowestoft) rose to ask a question. [*Cries of "Order!"*]

THE CHAIRMAN: Order! The next Amendment that stands in Order is that of the hon. Member for the Guildford Division of Surrey (Mr. Brodrick.)

MR. BRODRICK said, he rose to move—

Page 2, line 33, after "or," add "whereby any higher taxation is levied upon landed property than upon other property of equal value, or whereby any system of graduated taxation is

adopted unless an identical law be sanctioned for the United Kingdom by the Imperial Parliament."

He said that the explanations of the Attorney General had been extremely unsatisfactory. He was at a disadvantage in speaking upon this Amendment, as the re-modelled financial proposals had not yet been submitted by the Government. He, however, defied the Prime Minister to show that the Irish Government would be in a position to pay its way. The object of his Amendment was to bring to a head the circumstances under which fresh taxation might be levied in Ireland. The Irish Government would be unable to deal with Excise, Customs, or Postal Revenue; and the only source of revenue they would have would be the Income Tax, or some system of taxation which was not yet in force. They had never had a graduated system of taxation in this country up to the present time.

MR. W. E. GLADSTONE was understood to signify dissent.

MR. BRODRICK said, perhaps the right hon. Gentleman would point out where he was in error. No doubt there was some graduation in the House Property Tax. The Irish Government would need a great deal of money, whichever Party happened to be in the ascendant. The idea of an Irishman, when he met a deficit, was not to reduce expenditure, but to increase his income. He had no faith in the expedient of the First Lord of the Treasury for reducing expenditure. The third point with which he would deal was this: when they came to the system of graduated taxation they came to a system which had baffled the financiers of this country. It was a most difficult subject everyone would agree. It was a subject upon which many experiments might be tried without producing the financial results desired; and the Irish Legislature would not have the advantages in dealing with the matter which were possessed by the Chancellor of the Exchequer of this country. The Chancellor of the Exchequer had an enormous financial experience in a class of highly-trained permanent officials, who were accustomed to the preparation of Budgets, and could tell within certain limits the operation and the effect of an increased tax on any particular article and the effect of a graduated tax. But

the Irish Legislature would have no advantage of that kind. They would have to create their permanent officials. They would have to make their own experience, or import it from this country at considerable cost. It must be apparent to everybody that in their earlier years if they were to embark in a novel system of taxation, the only direction in which they could do it would be the one his Amendment dealt with, because in regard to Customs and Excise their hands were tied. Those subjects were difficult to discuss at the present moment, because they were now between wind and water. The old Financial Clauses were dead. The Committee were to assist at their funeral in a few days, and to assist also at the birth of a new set. Under that new set it was possible that power would be given to the Imperial Parliament to regulate and revise the financial system of Ireland, and the proposals bearing on finance which might be made in that country. Clauses of that kind would place matters on a very different footing, and if the Prime Minister would inform him at this moment that the new financial proposals would require the concurrence of the House of Commons, then his position was met and his argument fell to the ground. But if, on the other hand, the question were to be left to the Irish Government, then the Amendment was necessary; especially after the vacillating character of the proposals of the Attorney General, who promised something before dinner, and after dinner, having consulted with his Colleagues, practically withdrew the concession he had made. He could not but feel from his recollection of the statements of the Nationalist Members, to the effect that the land of Ireland was certain to be made the subject of unequal taxation, that some safeguard ought to be adopted. If the Irish Legislature gave equal laws in these matters it would be at variance with all the old pledges and statements of the Nationalist Members during the last 10 years. It was for these reasons that he thought it necessary to press this Amendment on the attention of the Government.

Amendment proposed,

In page 2, line 33, after the word "or," to insert the words "whereby any higher taxation is levied upon landed property than upon other property of equal value, or whereby any

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system" of graduated taxation is adopted unless an identical law be sanctioned for the United Kingdom by the Imperial Parliament."—(*Mr. Brodrick.*)

Question proposed, "That those words be there inserted."

MR. W. E. GLADSTONE : The hon. Member, it would seem, has discovered a singularly inconvenient and inappropriate manner of raising the questions he is anxious to discuss. The Government have intimated that they propose to make considerable changes in the Financial Clauses; and, consequently, the hon. Member is at a disadvantage in raising the discussion. The Government cannot agree to the conditions on which he is prepared to forego discussion; for I am not aware of any declaration that was made before dinner and retracted after dinner, and is now in a condition to be rehabilitated. Consequently, I must briefly discuss the Amendment, to which, I need hardly say, it is not our intention, and it is not permitted by our duty, to accede. The first part of the Amendment provides that no higher taxation is to be levied upon landed property than upon other property of equal value. What I would point out to the Committee is that it is not seemly or consistent with sound public principle to select in an Act of Parliament one description of property to be the subject of favour. Why is one particular kind of property to be held up as surrounded with sanctity, and as entitled to be free from inequality, while every other description of property is left exposed to all manner of inequalities?

MR. BRODRICK : Because land is specially dealt with.

MR. W. E. GLADSTONE : It is excluded from these clauses, and the question whether there should be especial dealing with the question is a matter to be considered when the land is under discussion and not a point at which that subject is excluded altogether. What title has the landed proprietor to receive this special fencing round? Has landed property suffered so much at the hands of the Legislature of this country? Is it not notorious that from generation to generation land received most outrageous and extravagant favour from Houses composed of landlords, and that nothing but successive extensions of the franchise and the substitution of a true

for a very imperfect representative system has extorted from the hands of the landlords those enormous and immeasurable preferences which formerly it was their pleasure, their custom, and their triumph to assert? But although I have been tempted into a little comment on the peculiar choice made by the hon. Member of a subject for special protection, I should have said just as much if it were any other description of property it was proposed to deal with exceptionally—that is to say, if it had been shipping, factories, securities. I may also point out to the hon. Member that, from my recollection, such as it is, of finance, I believe the Amendment would be nugatory not from want of intention, but from want of technical knowledge on his part. It is evident from his speech that he contemplates Income Tax and desires to secure land against higher taxation in that form. But the doctrine of the financiers of this country, from Sir Robert Peel downwards, and including Mr. Pitt, has been that the Income Tax is not a tax upon property, but upon persons in respect of property. [*Laughter.*] I am delighted to think that in dealing with a dry subject I am so fortunate and so happy as to make it entertaining. The present system of taking the Income Tax upon land from the tenant is not the original system. The tax was formerly taken from the owner of the land. Considerations of convenience led to the transfer; but by that change it was never intended to charge the nature of the tax as a tax upon persons and not upon property. Moreover, I believe I am right in saying that it was deemed essential by the great founder of the Income Tax that it should be a tax upon property, because if not, it would have been nothing less than a breach of public faith. I am afraid, therefore, that the words of the hon. Member are ineffectual. I cannot suppose that that proposition will receive universal support from hon. Members opposite. Then comes the second part of the Amendment, which declares that the Irish Parliament shall not have any power to impose any system of graduated taxation unless such system is identical with that which has been adopted by the Imperial Parliament. Does the hon. Mover of the Amendment suppose that the Irish Legislature will be ready to re-

gard as a peculiar favour the right to double the taxation upon themselves? I must own that if the Irish Legislature adopted that course they would be carrying into effect a grotesque species of legislation that I do not think would recommend itself to them. On broader grounds I cannot agree to place the Irish Legislature with respect to taxation in the fetters that the hon. Gentleman has forged for them. The Irish Legislature, I have no doubt, when it takes possession of full taxing power will make mistakes from time to time, and in doing so they will but be imitating the example of much greater Assemblies, who have made multitudes of gross and culpable mistakes, and who, I regret to say, in many instances still adhere to them, and have fought in order to maintain them. The Irish Legislature, however, will be under the salutary check of a wide, popular, and truly national franchise exercised by Protestants, exercised by Roman Catholics, and by everybody calling themselves what they like. That is the true cure for all mistakes which that Legislature may make with regard to graduated Income Tax, and so far as regards errors in general. The hon. Gentleman is not quite correct in what he says as to graduated taxation in this country. The Window Tax and the House Tax of Pitt were simply modes of graduated taxation. The ex-Chancellor of the Exchequer has given us an example of graduated taxation in the Estate Duties, and it cannot be doubted that those duties are the beginning of a popular movement in the direction of graduated taxation. I wish to know why the Irish Legislature are to be limited with regard to the subject of graduated taxation, and why they are to be credited with an undue appetite for graduated taxation? Graduated taxation, if it is a danger, is a danger in the direction of discouraging the accumulation of capital in the country. All persons connected with Ireland, whatever their policy, are agreed that to increase the available quantity of capital in Ireland and to encourage its introduction is the great object of statesmanship. There may be differences as to the mode of doing it. Some hon. Gentlemen maintain that the best way of doing it would be to maintain the present form of government in Ireland; others think that the best way would be

to govern Ireland much more than at present according to Irish ideas. The latter section of Members think that Ireland is not at all the country in which an excess of movement in favour of graduated taxation is to be apprehended. In Great Britain there is an enormous mass of capital, and a vast deal is to be got by graduated taxation; but in Ireland the mass of capital is small. You want to induce it to come into the country, and a graduated taxation offers but a small return from that point of view. At the same time, that form of taxation is one which we have ourselves sanctioned, and even if we sought to prevent its adoption by an Amendment in a form less comie than the present it would be our duty to oppose it.

MR. GOSCHEN: When I heard the right hon. Gentleman speaking of the various crimes committed by the Imperial Parliament as to finance, and the extorted concessions that have been secured, I thought that anyone unacquainted with our fiscal history who had been in the House would have imagined that the Committee was being addressed by a right hon. Gentleman who had always been in opposition to the fiscal policy of the country. Culpable action and extorted concessions! Who has been mainly responsible for the finance of this country during the last half century? Why it has been the right hon. Gentleman himself. But the right hon. Gentleman manages most honestly and conscientiously to place himself so entirely in a new point of view that he seems to forget entirely what has been his old point of view. We know how frequently, when the case is one as between Ireland and England, the right hon. Gentleman throws himself entirely on the side of Ireland. Here is the greatest financier of the age, who has guided this Parliament—[*Cheers.*] Yes; but he is subtracting from his own glory by the speech he has just delivered. Is it not obvious that if those great faults have been committed during the half-century the right hon. Gentleman must share to a great extent the blame? Why does the right hon. Gentleman lay blame on the Imperial Parliament? Because he wants to set up an Irish Legislature which will probably be able to give lessons to this country in finance. The Irish Legislature, which will mainly

represent the tenant farmers of Ireland, is to be a better guide for finance, and the Committee is to trust to it more than to the Imperial Parliament denounced by the right hon. Gentleman. I presume that my hon. Friend, in drawing his Amendment, when he said "be sanctioned for the United Kingdom," meant Great Britain. Right hon. Gentlemen opposite know perfectly well what was the meaning of my hon. Friend, who has not yet reached the power they themselves have exhibited of being able to discriminate between Great Britain and the United Kingdom. The right hon. Gentleman the Prime Minister says that the Irish Legislature is to be trusted with graduated taxation because it will have an extremely popular representation—that is to say, the more democratic the constituency the more capable it will be of dealing with graduated taxation. I should have thought, on the other hand, that the principle is the opposite, and that in a Parliament where all interests are fairly represented graduated taxation will be fairly safe, if safe at all. I think that my hon. Friend is right in the suggestion that graduated taxation should not be placed in the hands, certainly at first, of the Irish Legislature. The portion of the Amendment dealing with land has raised the wrath of the right hon. Gentleman. He was not able to withstand the temptation of making an attack on the taxation of land. My right hon. Friend showed that he believes that for years land has not borne its fair share of taxation. But my right hon. Friend will remember the great speeches he made in the '50's, in which he showed on the one side how land has immunities, and on the other how it bears taxation not borne by other kinds of property. The right hon. Gentleman himself made calculations which show that if land is spared on one side it is heavily charged on the other, and he asked why this particular kind of property is introduced into the Amendment. He wishes to know why the Amendment treats of the taxation of land alone. My hon. Friend interrupted the Prime Minister and answered that he had dealt with land specially in the Bill, which is perfectly true, and cannot be disputed. I think that was a perfect answer to the right hon. Gentleman's point. My hon. Friend

says that land in Ireland ought to be fenced round with certain precautions. What use will it be to protect land in other respects if, through unequal, excessive, and exorbitant taxation, the landlord can be taxed out of the existence of his property? Now, is that quite an unlikely event? My right hon. Friend did not for a moment take into account the fact that land in Ireland is the one subject which of all others has raised the covetousness—if that is not too strong a word—of almost the entire agricultural community. Therefore, it does seem to me that it is perfectly right that the Committee should consider the question of whether unlimited powers should be put into the hands of the Irish Assembly in relation to land. My right hon. Friend has said, or so I understood him, that the question would be more properly considered in connection with the 35th clause. But that has been exploded by the Debate of this evening. We know now that this clause is only a temporary provision, and there are no securities in the Bill beyond it, while we have the admission of the Attorney General that it will be necessary to deal with the question at the end of three years, if not before. In these circumstances, I think my hon. Friend was perfectly right in endeavouring to see that some effective security is given that the Irish Parliament would deal fairly with this kind of property. We should have been better able to judge of the whole question if the Financial Clauses, which have taken so long to elaborate, had been before us.

MR. W. E. GLADSTONE: The progress of the Financial Clauses has been extremely rapid in comparison with that of the clauses of the Bill.

MR. GOSCHEN: It seems to me that the remark of my right hon. Friend is an absolutely futile and erroneous suggestion. The Financial Clauses have taken three weeks or more—ever since the Second Reading of the Bill—to elaborate, and many of the questions that have arisen on the clauses which have been dealt with are of equal importance with the Financial Clauses—such questions, for instance, as the suspension of habeas corpus and the Imperial supremacy. The right hon. Gentleman said only the other day that too much time could not be spent on the question

of securing the liberty of the subject. The right hon. Gentleman is sometimes so eager to introduce his broad principles and reminiscences into the discussions on the Bill that his opponents are occasionally compelled to examine them. To-night, for instance, he could not resist the temptation of making an attack on the land. It is owing to this fact that progress has sometimes been delayed. My right hon. Friend has made out no case against the Amendment. The power of graduating taxation should be most jealously guarded, in view of the Constitution it is proposed to give to Ireland. As to the necessity for security being taken for the protection of land, the Government are at one with the Opposition, and I think the Amendment proposed by my hon. Friend would afford a legitimate protection.

VISCOUNT CRANBORNE rose—

Mr. J. Morley rose in his place, and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The Committee divided :—Ayes 272 ; Noes 237.—(Division List, No. 158.)

Question put accordingly, "That those words be there inserted."

The Committee divided :—Ayes 238 ; Noes 270.—(Division List, No. 159.)

It being after Midnight, the Chairman left the Chair to make his report to the House.

Committee report Progress ; to sit again To-morrow.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 4) BILL.—(No. 288.)

Lords Amendments agreed to.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 5) BILL.—(No. 289.)

Lords Amendments agreed to.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 9) BILL.—(No. 330.)

Lords Amendments agreed to.

PIER AND HARBOUR PROVISIONAL ORDERS (No. 4) BILL.—(No. 354.)

Lords Amendments agreed to.

Mr. Goschen

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 9) BILL.
(No. 378.)

Read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 12) BILL.—(No. 365.)

Read the third time, and passed.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 6) BILL [H.L.]—(No. 392.)

Read a second time, and committed.

ELEMENTARY EDUCATION PROVISIONAL ORDERS CONFIRMATION (CHISWICK, &c.) BILL [H.L.]—(No. 388.)

Read a second time, and committed.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 7) BILL.—(No. 373.)

Reported with Amendments [Provisional Order confirmed] ; as amended, to be considered To-morrow.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 8) BILL.
(No. 377.)

Reported, without Amendment [Provisional Order confirmed] ; to be read the third time To-morrow.

LIVERPOOL COURT OF PASSAGE BILL.

On Motion of Baron Henry de Worms, Bill to better define the Jurisdiction and to improve the procedure of the Court of Passage in the City of Liverpool ; and for other purposes connected therewith, ordered to be brought in by Baron Henry de Worms, Mr. Lawrence, Mr. T. P. O'Connor, Sir George Baden-Powell, Mr. Neville, Mr. Willox, Mr. Houston, Mr. Stock, and Mr. Walter Long.

Bill presented, and read first time. [Bill 396.]

APPEALS (*FORMÂ PAUPERIS*) BILL
[H.L.]—(No. 313.)

Considered in Committee.

(In the Committee.)

Clause 1.

Committee report Progress ; to sit again To-morrow.

House adjourned at a quarter
after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, 21st June 1893.

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 20th June.*]

[TWENTY-FIFTH NIGHT.]

Bill considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 4 (Restrictions on powers of Irish Legislature).

*THE CHAIRMAN: The first Amendment in the name of the noble Lord the Member for Brixton (the Marquess of Carmarthen) is out of Order.

Clause 4, page 2, 33, after sub-section (5), insert the following sub-section:—“(6) Impairing the obligation of existing contracts, or affecting the relations between landlords and tenants.”

Of the remaining Amendments on page 14 of the Notice Paper the first has been withdrawn in this form and put on the Paper lower down, and the rest, with two exceptions—those in the names of the hon. Member for East Somerset and North Ayrshire, which ought to come in further down the Paper—are out of Order. The first Amendment in Order is that in the name of the Member for Partick (Mr. Parker Smith), on page 15.

The following are the Amendments so referred to as being out of Order:—

Mr. Parker Smith—Page 2, after line 33, insert—“Whereby the freedom of speech or of the press shall be abridged, or whereby the right of the people peaceably to assemble and to petition either the Imperial Parliament or the Irish Parliament for a redress of grievances shall be impaired.” Page 2, after line 33, insert—“Whereby the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall be violated, or whereby warrants shall issue except upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized; or.” Page 2, line 33, after sub-section (5) insert the following sub-section:—

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“(6) Whereby any person shall be made subject for the same offence to be twice put in jeopardy of life or liberty; or.”

Mr. Kimber—Page 2, after line 33, insert “(6) Whereby differential taxation shall be imposed upon any of Her Majesty’s subjects.”

Mr. Parker Smith—Page 2, after line 33, insert—“Whereby excessive bail shall be required, or excessive fines imposed, or cruel and unusual punishments inflicted; or.”

Mr. David Plunket—Page 2, after line 33, insert—“(6) Respecting the relations of landlord and tenant, whether under existing statute law or by contract; or the remedies for or procedure relating to the recovery of rent; or the procedure relating to the recovery of the possession of land, or respecting the title to land; or respecting the sale, purchase, or letting of land generally; or.”

Mr. Henry Hobhouse—Page 2, after line 33, insert—“Whereby any undue preference is given to any trade or industry (including agriculture) in Ireland or Irish waters, so as prejudicially to affect any British trade or industry.”

Mr. Cochrane—Page 2, after line 33, insert—“Whereby any undue preference, benefit, or advantage is given to or conferred, directly or indirectly, upon any person, body of persons, class, body corporate, or institution; or.”

Mr. Parker Smith—Page 2, after line 33, insert—“Whereby any person shall be held to answer for a crime unless on a presentment or indictment of a grand jury; or.”

Mr. Bartley Page 2, line 33, after “or,” insert—“Whereby the incidence of general or local taxation now by law established as between the owner and occupier of land in Ireland, or as between the owner and incumbancers of chargeants upon land in Ireland may be altered.”

Mr. Cochrane—Page 2, line 33, at end, insert—“Respecting change of venue in criminal cases.”

MR. PARKER SMITH (Lanark, Partick) moved the following Amendment:—

Page 2, line 33, at end add—“Whereby any censorship of the Press shall be established, or public meetings for legal purposes shall be interfered with.”

That, he said, was substantially the same Amendment which stood in his name on the Paper before, and which, unfortunately, by the Rules of Order, he was not able to move, although he should have preferred to have moved it. The provision of the American Constitution on the subject was this, and it was one of the Amendments to the Constitution—

“That no law (shall be passed) whereby the freedom of speech or of the Press shall be abridged, or whereby the right of people peaceably to assemble shall be impaired.”

That was part of the first Article of the Supplementary Amendments of the Con-

stitution which were discussed at the same time that the original Constitution was being discussed, which supplied a good many of the provisions in regard to a Bill of Rights which were felt to be wanting by a great number of American States during the discussions on the American Constitution, and without the promise of which the American Constitution as it stood would not probably have been accepted by a sufficient number of States. He thought it was a very unfortunate matter that the Bill had been drafted in such a form that they were not able to put forward and argue in favour of all the different provisions in the nature of a Bill of Rights contained in the American Constitution, and not expressed in the Bill now before them. The Government had taken the most general words of the whole of the American Constitution, had stated them, and had left out all the detailed points which in the American Constitution were thought necessary. The Government, for instance, had taken the words—

“Nor be deprived of life and liberty and property without due process of law.”

Those words were just the climax of a long Article of these first Supplementary Articles of the Constitution, which contained a large number of other supplemental provisions. This Article (number 5) stated that no person should be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of Grand Jury, except in the case of the Land or Naval Forces or Militia when in actual service.

MR. BODKIN (Roscommon, N.): I rise to Order. Is it in Order to read the whole of the provisions of the American Constitution?

THE CHAIRMAN: I think the hon. Member is quite in Order.

MR. PARKER SMITH had no intention of infringing the Rules of Order. He quoted Article 5 to show that the words, “nor be deprived of life, liberty, or property without due process of law,” came in at the very end. Of course, it might be true that these general words included particulars which had gone before. But he submitted that, though a lawyer might be able to construe them and bring out these particulars, this clause, of all others, was one that ought to be clear and easily to be understood,

Mr. Parker Smith

not merely by lawyers, but by every layman. It must be remembered that that clause had got to be interpreted, not merely by the Judicial Committee of the Privy Council and the Exchequer Judges, but by every Judge and every Magistrate in Ireland. Every Magistrate, whenever he had any Statute of the Irish Parliament brought before him, would have to criticise it in the light of this clause. It would be a perfectly good defence for any Magistrate in any action brought on any Statute of the Irish Parliament to say—“This Statute is a Statute that is *ultra vires*, because it goes beyond the powers given to the Irish Parliament, and infringes upon the restrictions in this 4th clause.” If that were so, they would refer every Irish Magistrate for his general idea of what was just and fair to these extremely general words as

“No man shall be deprived of life, liberty, or property without due process of law, in accordance with settled principles and precedents.”

He would have merely these general words before him, and if no more detailed particulars were put in he would have no guidance at all. Inconsistent judgments would be arrived at by Magistrates in different parts of the country; and they would have no definite guidance at all until, by a long course of judicial decision, they got some such principles laid down. They would then have the Irish Magistrates and the Irish Judges taking one view, and the Imperial Parliament and the British Judges another. That would be a constant source of friction. He could understand an honourable man taking an opposed view in such circumstances, and he thought it would be well that they should make the matter clear, so that this friction should not arise. The subject of the Amendment was undoubtedly one upon which there was great likelihood of a divergence of opinion between the two Parliaments. If they looked to the freedom of the Press, this was a subject which was not dealt with under the terms of defence of liberty and property. The words protecting the liberty were applicable to, and were to be construed as applying to, personal liberty. They knew how the words ought to be construed; and they knew how they would be construed by the Catholic Church authorities for the pur-

poses of Press censorship. They knew by the *Index Expurgatorius*—which included works from Milton to Hallam, and down to John Stuart Mill—what was the feeling of the Roman Catholic Church with regard to the freedom of the Press; and as the clause stood there was nothing to prevent the Irish Parliament from passing a law establishing a censorship which would prevent the publication or circulation of any books dealing with questions which, in the minds of the Roman Catholic authorities, were considered dangerous. That was a principle which could not be said to be affected by the words “life, liberty, or property without due process of law,” because “liberty” must be construed to mean personal liberty. Whatever might be their view with regard to the Roman Catholic Church, they were bound to stand forward on behalf of those who did not belong to that Church, and have it made clear that this was not one of the powers which were to be left in the hands of the future Irish Parliament. They had had the claims of the Church in respect of such censorship put forward quite recently by a very powerful authority; and, as he said, the matter should be made clear before they passed from this clause. The next point was that the fundamental right of British citizens peaceably to assemble and to petition Parliament for redress should not be infringed in the new Constitution. The Government were following, to some extent, the precedent of the American Constitution. In the Bill of 1886 it was not thought necessary to insert any clause as to rights; but here they had certain provisions. They must, however, make those rights of a more definite character than at present. The only argument against it would be that this proposal was an insult to the Irish people. But supposing one was making a bargain about the lease of a house, would he think it an insult to have provision made for paying the money? The best way in which the two peoples could be made friends was by having a clear understanding as to what they were agreed upon; and, had there been any intention or hope of this Bill becoming law, they would have required a great deal more in the way of amplification and full statement of all these matters. But they knew there were razors meant to sell, and razors meant to

shave, and this Bill was meant to sell, and not to shave. They wished that the statement of rights should be as precise as possible, and he thought the House would agree with him that the words which he proposed ought to be inserted in the Bill.

Amendment proposed,

In page 2, line 33, after the word “or,” to insert the words “(6) Whereby any censorship of the Press shall be established, or public meetings for legal purposes shall be interfered with.”
—(*Mr. Parker Smith.*)

Question proposed, “That those words be there inserted.”

THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar) (who rose amid cries of “Divide!” from the Irish Benches): The Government cannot accept the Amendment. We do not think it necessary, and it would be very undesirable. We have already made provision by general words, and we do not intend to fall into the great error of accepting what the hon. Gentleman has himself said would have been one amplification of the general proposition. Such amplifications are not only dangerous, but are sure to produce friction—a difficulty which the hon. Member seems to anticipate.

MR. A. J. BALFOUR (Manchester, E.) (who was also greeted by the Irish Members with cries of “Divide!”) said: It is no affair of mine, Mr. Mellor, that the rising of the Solicitor General was met by his own supporters with cries of “Divide!” and that the only observations regarded with satisfaction by them were his closing words; but, whatever respect hon. Gentlemen below the Gangway think fit to pay to their own Solicitor General, I hope they will permit me to say a few words.

MR. MAC NEILL (Donegal, S.): Very few.

MR. A. J. BALFOUR: A few words upon a matter which is not without importance. The Solicitor General has said that the words of the Amendment, being an amplification of the clause, ought not to be admitted into the Bill, because words of such a character added nothing to the strength of the general proposition. There is an answer to that objection from experience. These words are taken from a Constitution which has stood the test of time and the storms of political controversy for more than a century, and

has not been found to exercise any of the injurious or weakening effects which the hon. and learned Gentleman appears to think they would carry if introduced into the Bill. Does the Solicitor General think there is anything in the circumstances of America which make the words more desirable there than in the case of Ireland? My opinion is that if these words are necessary in one Constitution more than another, they are necessary in the Irish Constitution as distinguished from the American Constitution. It is perfectly notorious that the ecclesiastical influences which must have a great effect in the future moulding of Irish policy has, upon the question of the freedom of the Press, taken up an attitude inconsistent altogether with the principles which in this House we believe are bound up with progress and with knowledge; and it is, therefore, specially necessary to safeguard the freedom of the Press wherever these ecclesiastical influences are likely to prevail. I will give an instance. [*Interruption.*] The Prime Minister (Mr. W. E. Gladstone) is not in his place, or I should like to call his attention to the sort of interruptions to which the Opposition is subjected. The Prime Minister is the only gentleman in the House to whom even the smallest exclamations of dissent are supposed to convey an insult. Well, Sir, the country at this moment most analogous in its general circumstances to Ireland is the Roman Catholic Province of Quebec; and this remarkable case happened there not very long ago. The Archbishop or the Bishop of the diocese required a Catholic who had joined a Radical club to leave that club on the ground that there were in its library certain works named in the Index, and threatened him with excommunication if he refused. The man did refuse, and the Bishop thereupon required the priest to withhold from the man, who was a sincere Catholic, the rites of the Church. These rites were refused to the man during the remainder of his life, and, because he died without having received them, he was denied Christian burial. His relatives made an application requiring the priest to bury the man, and the case came from the Canadian Courts to the English Privy Council. The body of the unfortunate man remained unburied all this time.

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Several Members expressed dissent.

MR. A. J. BALFOUR: Yes; I believe it did. Finally, the Privy Council decided that the priest must bury the body, though they did not require that any sacred words out of the Burial Service should be used. Are we to be told when these things happen in our own generation that our fears are fantastic, and that it is unnecessary to guard against them? This provision is required far more in Ireland than in America, though no American would permit it to be omitted either from the general or from the State Constitution. I hope we shall have them inserted also.

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne): The right hon. Gentleman has given an inaccurate account of the Quebec case; but even if that account were more accurate than it has been, how would a clause restricting an Irish Parliament from setting up a censorship of the Press affect the rights of burial of Catholics? And the right hon. Gentleman might remember that it is not so long since his Party interfered with the rights of burial of Protestant Dissenters in this country. The Mover of the Amendment talked of the Bill being like a razor made to sell and not to shave. We have had that illustration many times before. It is not a very high-class one; but I am always reminded of it when I hear, as I have this afternoon, an Amendment moved which has no substance in it, which is not intended to have substance in it, and which professes to meet dangers that have been more efficiently met by other clauses.

MR. SEXTON (Kerry, N.): Mr. Mellor, an obviously dilatory Amendment has been supported by the Leader of the Opposition (Mr. A. J. Balfour) in a ridiculously irrelevant speech. The case on which the right hon. Gentleman relied, as has already been shown, had no conceivable connection with the Amendment. Hon. Members who cried "Divide!" when the Solicitor General rose did so out of no discourtesy to the hon. and learned Gentleman, or want of regard for his high position, but because there is a strong and indignant opinion that Members of the Government, by

replying seriously to dilatory Amendments put forward for the avowed purpose of destroying the Bill, are giving an appearance of reality to an opposition which is unreal. Members of the Government, by taking that course, are allowing the country to be misled into the belief that these Amendments are moved for the purpose of improving the Bill. After a week of obstruction by the self-appointed champions of the minority in Ireland of a clause designed to give safeguards and security to that minority, the hon. Member for Partick has the audacity to offer this proposal. The hon. Member belongs to a Party which, within the last six years, has established a censorship of the Press in Ireland.

MR. PARKER SMITH said, he did not think the hon. Member realised his argument. He had pointed out that the principle of the English law was that a man might publish what he liked subject to responsibility for what he published. But the principle of the Catholic Church was that the publication of books considered to be dangerous should be prohibited.

MR. SEXTON : Perhaps my non-legal mind is not capable of following the refinements of the hon. Gentleman. I can only say that the hon. Gentleman and his Party in the last six years in Ireland established a censorship of the Press in the most acute, most oppressive, and most indefensible form, because, instead of holding an editor responsible to any Constitutional Tribunal they sent him—not for commenting upon, remember, but for simply reporting public meetings. For this, they sent him, upon the verdict of two paid officers of the Crown, to prison for six months. Then the hon. Member wishes to withhold from the Irish Parliament the power of interfering with legal public meetings. Remember Mitchelstown! [*Cheers.*] The hon. Member and his Party are responsible for Mitchelstown. [*Ironical laughter on the Opposition Benches.*] It well becomes the Constitutional Party to indulge in mocking exclamations when I refer to the dispersing of a meeting admittedly legal and the shooting down in cold blood of innocent, defenceless men by the servants of the Crown. The presentation of such an Amendment by the hon. Member on behalf of the Unionist Party transcends

in audacity anything that has ever been known in the House. During the greater part of the last 93 years both Parties have established a censorship of the Press, and have as a general rule maintained the right of an individual official to disperse a peaceable and legal meeting; and the pretence now is that the powers which the Imperial Parliament declared to be necessary for preserving order in Ireland for the last 93 years are to be withheld from the Legislature of the Irish people when it assumes the function in which the Imperial Parliament has failed. That demand is put forward by one who, at the present moment, is engaged in inciting a section of the people of Ireland to violent resistance of this legislation. Unionist Leaders go to Ireland and make speeches inciting to rebellion, and then they come to Parliament and propose Amendments to secure that that rebellion should be conducted with impunity. Boasts are made at public meetings of the number of men armed; that the Custom Houses will be seized, that taxes will not be paid, and that the Queen's Judges will be treated with contempt; and newspapers publish leading articles and communications emphasising these suggestions. Am I to be told, in the presence of a policy of that kind, that Amendments moved for the purpose of securing immunity and safety to those who would otherwise be the dupes of these evil counsels are to be tolerated in the House of Commons? To propose an Amendment like this one before us is to tax severely the patience of the Committee. This and similar Amendments with which we have been tortured for days and weeks have had no merits; indeed, it is hardly professed that they had merits. The question which we have to consider is whether the majority who have been returned to this House after a General Election with the clearest mandate from the constituencies are to be allowed to discharge the task for which they have been elected, or whether that majority will permit the Constitutional Party to reduce the House of Commons to a state of impotence, and so to inflict upon the Constitution of Great Britain the most deadly stab which will have ever been dealt it.

MR. A. J. BALFOUR : I hope the Committee will take notice of the peculiar methods by which the hon. Member

for Kerry endeavours to accelerate the progress of the discussion of this Bill. An Amendment taken from the American Constitution was moved in a speech of great force and sobriety by my hon. Friend. No other person spoke on it except myself, and I was studiously brief; and I venture to say that what I said was absolutely correct. I was followed by the hon. Member for Kerry, who gets up and makes a general denunciation of what he is pleased to call the course of the Debate in Committee generally, and, by way of showing his notion of a relevant discussion, drags in all the incidents of the old controversies of the last few years. He asks this House to discuss the Crimes Act; he asks us to go back to the events of Mitchelstown; he asks us to deal with all the legal or illegal assemblies—for I will not discuss the question of their legality here—which have been dispersed under the various Crimes Acts of different Governments, and, not content with that, he surveys the whole history of Ireland since the Union, and tells us it does not lie in our mouths to propose an Amendment relating to the liberty of public meeting. Well, what is the moral of the speech of the hon. Member? He went on to tell us—and I call the attention of the Government to this fact—that this right of interfering with public meetings should be left with the Irish Parliament. Ignoring the speech of the Solicitor General, he said that this power was to be left with the Irish Parliament in order to enable them to deal with Ulster. Compare that argument with the argument addressed to us by the Government. The Government will not have this Amendment because they tell us that the object aimed at is already covered by more general words. They tell us that it is irrelevant, unnecessary, because the general words of the Bill already cover, and more effectually cover, the particular safeguard proposed. That is the official defence. But hon. Gentlemen below the Gangway put this gloss on the matter. They know this case is not covered by general words, and they do not want it to be covered by general words. They have the audacity to tell the Committee that they mean to use the power of preventing public meetings in order to coerce Ulster. Who is it who is impeding the

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progress of this measure? [*Cries of "You!"*] Who is it who uses irrelevant arguments and makes heated speeches? [*Cries of "You!"*] Who is it who treats the official defenders of the Bill with such contempt that the arguments they advance are absolutely inconsistent with theirs? Why, the hon. Member for Kerry. I hope that those outside who watch the progress of this Bill will observe who it is that unnecessarily prolongs these discussions, and who it is that, under cover of rejecting Amendments because they are unnecessary, deliberately avow their intention of using every deficiency and defect in the Bill as a means for oppressing Ulster.

*MR. BUCKNILL (Surrey, Epsom) rose—[*Cries of "Divide!"*]

Mr. Clancy rose in his place, and claimed to move, "That the Question be now put"; but the Chairman withheld his assent, and declined then to put that Question.

Debate resumed.

*MR. BUCKNILL said, it had hitherto been customary for his Irish friends to receive him with courtesy. For some reason or other to-day, however, they seemed unwilling to allow him to make a few observations. He had not yet spoken in the proceedings of this Committee, nor should he have done so but for the observations of the hon. Member for North Kerry. There must be something in the air—thunder, probably—that had affected the temper of the hon. Member for Kerry, for he certainly had used language of a somewhat unmeasured character. He did not understand why the hon. Member should have been so angry with the supporters of the Amendment, remembering, as he did, what the hon. Member said in the Debate on the Second Reading. The hon. Member, who was then temperate and sensible, said—

"There will be no desire to oppose the insertion of restrictions that may tend to dissipate the apprehensions that may be felt, although they may be unfounded. We shall not be disposed to offer any opposition to them, provided always that there is no restriction that shall interfere with the necessary powers of the Irish Legislature."

If that was a temperate observation at that time, and meant anything at all, it meant that the Nationalist Members

would not be disposed to offer opposition to any reasonable Amendments. With reference to the irrelevant allusion to Mitchelstown, speaking with every respect and admiration (which he hoped he should always entertain) for the right hon. Gentleman, he wished to say that he had observed with regret that the Prime Minister cheered that reference with more vehemence than anybody else. He (Mr. Bucknill) had sat there and had listened many times to the eloquence of the right hon. Gentleman, and had more than once gathered from his remarks that he disputed the *tu quoque* argument, but if there ever was a *tu quoque*, the reference to Mitchelstown was one. With regard to the Amendment, unless it was an unreasonable one, they were not wasting time in devoting a few minutes to its discussion. The Government had declared that this Bill which they offered to the majority of the Irish people—to, say, 75 per cent. of the Irish people—was the *maximum* they could offer. The Nationalists had declared that the Bill was the *minimum* they would accept. Surely, then, in such a state of things as that they ought to be allowed to discuss reasonably, without heat and without temper, Amendments put on the Paper honestly and intended for reasonable discussion. As to a censorship of the Press, if it was desired by the Nationalist Members, could it be supposed that they wanted it in order to interfere with newspapers representing their own views? Certainly not; then if they desired it, it must be to deal with the organs of the minority. Talking of the American Constitution, the hon. Member for Kerry said, a few evenings since, that it had been dragged by the heels into this Bill by the Government; but now, when they did not like it, they were the first to kick it out. By the American Constitution, the provision now proposed was thought to be a wise one, and so it was considered by those who supported the Amendment. With regard to public meetings, the power of interference which the Nationalist Members asked for would not be exercised against the majority of the Irish people. It would only be exercised to prevent meetings of the minority. Even if the majority of the first Irish Parliament were not to exercise the power in that way, he would

remind the Committee that the first Parliament would not be able to bind its successors. That being the case, the Imperial Parliament must try to do it for them. He submitted that the Amendment was a sensible one, and was by no means offensive or insulting to the Irish Members.

Mr. JESSE COLLINGS (Birmingham, Bordesley) said, that the hon. Member for North Kerry had said, not for the first nor the sixth time, that the action of the Opposition was against the verdict pronounced by the country upon the Bill. He must again, therefore, meet that declaration with the statement of the fact that the Bill had never been before the country. When Nationalist Members attempted to bludgeon Opposition speakers and Ministerial speakers also, the Government ought to remember that the mandate of the constituencies to the Representatives of Great Britain was to oppose the Bill. They were aware that the Government had entered into a contract with the Nationalist Members. [*Cries of "Question!" and "Divide!"*] He was answering the speech of the hon. Member for North Kerry. He presumed that, though the Irish Members were the masters of the Government, it would be allowed to independent Members, to the Unionist Representatives of Great Britain, to give the answer which the Government in their capacity were not able to give. He denied that the Bill had ever received the mandate of the constituencies. If that statement was denied, let the Government go again to the country and take its opinion directly on the Bill. The Unionist Members of Great Britain had been no party to the compact made by the Government. [*Cries of "Question!"*] He was speaking strictly to the Question as it was put by the hon. Member for Kerry. If the Bill represented the terms of that compact exactly let the Government say so, and then the Committee would know the impotent position they were in with regard to any wish to amend it. In discharging their duty to their constituents the Unionist Members were bound to do their best to secure the rights of the minorities, and that was the point involved not only in this but in every other Amendment moved to the 4th clause. If there was one thing more than another that the Gladstonian Mem-

bers promised the constituencies—[*Cries of "Order!" and "Question!"*—] it was that they would support no Home Rule Bill that did not absolutely safeguard the interests of the minority. He had read their speeches. He appealed especially to the right hon. Member for Wolverhampton, who in his able speeches at the time put forward that point involved in the Amendment with great force and ability; and the time would come when he and others would be asked to reconcile their statements and their promises with the vote they were about to give on the present Amendment. At any rate, the Unionist Members, as representing the majority of Great Britain and the overwhelming majority of England—[“No!”]—hon. Members said “No,” but an analysis of the votes, given on the Vote of Censure upon which the late Government retired, would show that he was correct—those representing the vast majority in England should have the right to place their views before the Committee and show in what respect this Bill was injurious not only to the interests of Great Britain, but to the minority, in Ireland. Seeing that that minority, or those whom the hon. Member for Kerry had described as the self-constituted champions of the minority, in Ireland had been absolutely forsaken by the Government and all their rights sacrificed, he thought it was a duty which it would be criminal for the Unionist Members to neglect at this crisis to use all the means in their power to point out not to the Ulster people so much, because they knew it, but to the electorate of Great Britain the manner in which the loyal minority were being handed over by the Bill, bound hand and foot, to the heels of their opponents. He believed the electorate of the country was beginning to see more and more every day that the safeguards for the minority in the Bill, although they had the appearance of being real, were in truth mere shams.

MR. PARKER SMITH said, he accepted the assurance given by the Solicitor General that the object of the Amendment was covered and came within the words of the section, and he would, therefore, ask leave to withdraw his Amendment. [*Cries of "No!"*]

Question, “That those words be there inserted,” put, and negatived.

Mr. Jesse Collings

*MR. D. PLUNKET (Dublin University), in moving an Amendment prohibiting the Irish Legislature from making laws—

“Affecting the constitution, endowments, property, or privileges of Trinity College, Dublin, or the University of Dublin.”

said: I do not forget that the Government have more than once declared their willingness to safeguard the interests of Trinity College and Dublin University, and that it will be necessary for me to satisfy the Committee that the words of the 6th sub-section do not carry out the proposed intention. But I desire, in the first place, to submit the grounds upon which I claim that Trinity College and Dublin University should be separately dealt with in the Bill, and that side by side with the words which protect the maintenance of Denominational Institutions the right to maintain Trinity College and Dublin University as a place of united education should be equally clearly expressed. If the Committee will give me its kind attention for a little time I will explain the exceptional position in which this question stands at the present day; why, from some points of view, the question is of paramount importance in Irish politics; and what are the serious dangers and difficulties with which it will be beset if such an Irish Legislature as is proposed in this Bill should be established; and I feel confident I shall be able to submit convincing reasons why prudence and justice alike suggest that Trinity College should not be withdrawn from the protection of the Imperial Parliament or submitted directly or indirectly to interference on the part of the Irish Legislature. Some time ago it would not have been necessary to make any preliminary explanation on the matter, because there was a time within my recollection when the Irish University question challenged and absorbed the public attention of this country almost as much as the Bill we are discussing now absorbs it. Since then, however, a generation has almost grown up, and I daresay I am addressing many hon. Members who but dimly remember that 20 years ago one of the strongest Governments that ever existed in England, led by the present Prime Minister at the zenith of his power, and backed by a great majority, was wrecked

in the attempt to reconcile within the University of Dublin the demands then made by the Irish Roman Catholic Prelates with those opinions of enlightenment and justice which then prevailed, and I believe will always prevail, in this Imperial Assembly. Remember, I do not ask for immunity for the University from any measures which this Imperial Parliament may think fit to pass, but I do ask for its exemption from the control or interference of a Legislature which I believe, and I think I shall be able to show, on this question at all events, would be absolutely subject to the power of the Roman Catholic Prelates in a way in which that power would be practically unquestionable. What is the earlier history of the subject, for without going into that the Committee cannot understand the matter. Dublin University was founded 300 years ago by a Charter of Queen Elizabeth; and as it was founded at the request of the heads of the Protestant Church then lately established in Ireland, it was naturally founded as a strictly Protestant Institution. So it remained for 200 years, but in 1793 a large measure of Catholic relief was passed by the Irish Parliament, and in 1794 the authorities of Trinity College obtained a Royal Letter permitting them to admit Roman Catholics to receive their education and degrees at the University, and they threw open the College and University to all Protestant Dissenters as well. So matters remained until 1869, when the Protestant Church of Ireland was disestablished. In the following year the authorities of Dublin University, by their Representatives in the Imperial Parliament, supported a Bill introduced by the late Mr. Fawcett for the purpose of removing tests from Trinity College. That Bill was debated in 1870, 1871, and 1872 unsuccessfully; but in 1873, after the measure to which I have referred, and by which the Government proposed to deal with the subject in a different way, had been thrown out, Mr. Fawcett's Bill became law. And so the case stands now, for the last 100 years Dublin University has been open to all religious creeds for the purpose of education and degrees, and for the last 20 years every honour, emolument, and office, except three or four Professorships connected with the Divinity school,

and specially excluded by a clause in Mr. Fawcett's Act, have also been freely open. It has been free to all denominations to win these offices, emoluments, and honours, by free and open competition; and I believe, whatever else has been said against Trinity College, the perfect fairness of that competition has never been for a moment questioned. Well, if that has been the attitude of Trinity College to the Catholics of Ireland, what has been the reciprocal attitude of the Catholics of Ireland towards the College? In recent times—during the last 40 years—unfortunately, the heads of the Roman Catholic Church have set themselves in direct opposition to the system of united education which has been pursued in Dublin University. They have denounced it—no doubt, from their point of view, conscientiously—as a danger to the faith and morals of their people. They have at the same time denounced Trinity College as a citadel of exclusiveness and ascendancy. But that has not been always the case. I might refer to a Petition presented on behalf of the Roman Catholics to the Irish Parliament by Henry Grattan, in which they stated, with reference to the College of Maynooth which was then about to be established, that the system of united education pursued in Trinity College was that which alone could produce harmony among the various creeds in Ireland and conduce to the prosperity of the country. Thirty years later the illustrious Catholic Bishop Doyle urged, before a Committee of the House of Lords, that no danger need arise to the religious feelings of Catholics from a system of united education. The great O'Connell sent his sons to Trinity College, and wished them to study in that Institution as long as possible, and in the time of Archbishop Murray the system of education pursued there met with the full approval of the Roman Catholics of Ireland. And as a matter of fact, Roman Catholics of those classes that avail themselves of education of this description came willingly and freely, and in increasing numbers, to take advantage of the education afforded by Trinity College; but, unfortunately, for some time past different theories have been adopted, and opposite principles have prevailed, and the heads of the Roman Catholic Church have done their

best to prevent their people from going to Trinity College, and have denounced it. But in spite of that there are to this day a considerable number of Roman Catholics who do avail themselves of the teaching of Dublin University; some are most distinguished students, and one is a Fellow of the College. Now, what attempts have been made to meet these modern views of the Roman Catholic Hierarchy of Ireland? The Committee may remember that such an attempt was made by a Whig Government in 1866, and that in 1868 Lord Mayo made another attempt to confer on the Roman Catholics a separate University. These attempts came to nothing, and in 1873 the present First Lord of the Treasury (Mr. W. E. Gladstone) made a further effort. That attempt, I think, throws great light on the difficulties and dangers which would beset this subject if it were left to an Irish Legislature to deal with, and I invite the special attention of the Committee to it. The right hon. Gentleman proposed to deal with the subject by introducing a number of Roman Catholic and other Colleges into a reformed University of Dublin. The construction of that scheme has always seemed to me to have been a marvellous piece of skill and ingenuity. It was an attempt to accomplish an impossibility, to reconcile the irreconcilable—that is to say, to reconcile within one Institution the demands of the Catholic Hierarchy in Ireland and the principles of enlightened education, which alone I believe this House would consent to introduce. Indeed, so great were felt to be the difficulties of the task that it was actually proposed to forbid in the University of Dublin the teaching of philosophy and modern history, as they could not be taught in accordance with the views of the Roman Catholic ecclesiastics. That proposal was made by the right hon. Gentleman in a speech which, if I may be permitted to say so, of all the triumphs of lucid and persuasive eloquence I have had the pleasure in 23 years of hearing from him in this House, was to my mind, in view of the difficulties that confronted him, perhaps the most masterly and superb. So great was the effect produced by that speech that for days and weeks afterwards his Bill received the warmest support; but gradually, as the

scheme came to be taken to pieces in Debates inside and outside this House, the irreconcilable difficulties became apparent, the necessary inconsistencies were made clear, and so it came to pass that on the last night of the Second Reading Debate in this House—the scene then exhibited I shall never forget—the Government consented to withdraw the reactionary provisions I have mentioned, because it was found that the enlightened opinion of England would never consent to abolish modern history and philosophy from the schools which educated Bishop Berkeley and Edmund Burke, or to have the independence of an ancient and free University trammelled and overpowered by grafting upon its government a number of small Catholic Colleges and clerical seminaries. What followed? Acting under the direct orders of the Catholic Bishops, a large number of Irish Members wheeled round on the floor of this House, voted against the Government, and defeated them by a majority of three. Thus, the Government which a few days before commanded a large majority were turned out, and although they resumed Office in a few days and lingered on till the General Election of 1874, there can be no doubt it was by the Ultramontane vote that they received their mortal blow. I do not wish upon that circumstance to found any charge of ingratitude, much less any charge of insincerity—quite the contrary—against the Prelates under whose directions that step was taken. What I want to do is to bring home to this Committee the intense sincerity of the men who turned out a Government that for them and their flocks had disestablished the Irish Church, carried the Land Act of 1870, and imperilled their popularity and position by introducing the University Bill. I ask attention to the wide-reaching and uncompromising character of the policy by which these Prelates are swayed. And now I come to ask hon. Members whether if, after the establishment of an Irish Legislature, the Roman Catholic Prelates of Ireland, holding the same views as in 1873, were bent upon interfering with the University of Dublin, they would have the power to give effect to their intentions? I have explained what happened in 1873, long before the Act of 1885 had introduced household suf-

frage into the counties in Ireland, sending to the poll thousands of voters knowing nothing of these questions, and many of whom vote as illiterates! and when the Ballot Act had not come into operation. You yourselves have seen what power these Prelates claimed, and how they exercised it in their conflicts with the late Mr. Parnell, and, after his death, with those of his followers who, true to his memory, ventured to assert their independence. You cannot shut your eyes to the fact that this question of education is the question, before all others, on which these Prelates would command—and, from their point of view, rightly command—obedience from their co-religionists. What the Land Question is to the Irish peasant the Education Question is to the Irish priest, and especially the question of University Education is to the Irish Bishops. I ask hon. Members, then, what chance would any minority, Protestant or otherwise, have of resisting the will of the Roman Catholic Bishops on this question? The Legislative Assembly would be returned by the same voters as return the Irish Members to this House. The Legislative Council, in whatever other respects they might differ from the Legislative Assembly, would probably on this question be the more docile of the two. But the danger is admitted, for provisions have been inserted in this Bill to guard against it. I must ask the attention of the Committee for a few minutes to the construction of Sub-section 6 of Clause 4. That is the sub-section by which we have been promised protection by the Government. I venture to say that the sub-section is the most extraordinary sample of bad draftsmanship I have ever seen. The sub-section enacts that the powers of the Irish Legislature shall not extend to the making of any law—

“Whereby any existing Corporation, incorporated by Royal Charter, or by any local or general Act of Parliament,”

may, except in certain cases—

“Be deprived of its rights, privileges, or property without due process of law.”

From that I would infer, as a matter of grammar, that, should any such Corporation fall within either of the excepted cases, which I am about to refer to, the powers of the Irish Legislature would extend to depriving them of their rights,

privileges, or property without due process of law! The first of the exceptions is—

“Not being a Corporation raising for public purposes taxes, rates, cess, dues, or tolls, or administering funds so raised.”

I am not sure that it might not be contended that Trinity College would fall under that description, as being a Corporation that administers “funds so raised.” However, I do not wish to dwell upon that. It may be but a mistake of drafting. I come to the other exception. What are the circumstances under which the Irish Legislature is permitted to deal with the rights, privileges, and property of such a Corporation as Trinity College without due process of law? They are to be allowed to do so with the consent either of the Body itself or of the Crown; and I was informed on the Second Reading by the right hon. Gentleman that the Crown means the Crown advised by the English Ministers, although that does not appear from the language of the Bill. As to the consent of the Corporation, it might not be difficult to imagine a state of affairs in the future in which such a Corporation might be coaxed or cajoled into consenting, but I say at once that if such consent were now sought it would not be obtained. I come to the other alternative, which, no doubt, is that on which the Government rely when they say they have afforded ample protection to Trinity College—namely, that the Irish Legislature may take action in the direction I have indicated if

“The leave of Her Majesty is first obtained on Address from the two Houses of the Irish Legislature.”

I ask the Committee to try and realise what kind of safeguard this would be in practice. I assume that the Ecclesiastical Authorities—the Prelates to whom I have referred—desire to deal with Dublin University. You cannot, I think, suppose that they would find much difficulty in obtaining the necessary Addresses whenever they please from the two Houses of the Irish Legislature. Being able to obtain them whenever they please, they would choose their own time. They would choose a time when there was in power a complaisant Government depending possibly for its existence on the vote of the majority of the Irish delegation. The Addresses having been passed by the two Houses of

the Irish Legislature, and the English Minister being willing or being capable of being compelled to consent, I ask what chance any friend of Dublin University—for its own Members would have disappeared—would have of staying the assenting hand of a strong Minister? There might be a perfunctory debate—not such a discussion as we had in 1873, when the subject was thoroughly gone into—but no doubt there would have been sketched out a plausible scheme suggesting all kinds of safeguards. Under such circumstances, what would it involve to obtain from the Imperial Parliament a Vote of Censure on the Ministry which gave its assent? It would involve the overthrow of the Government, and with them of all the shipwreck argosy of interests, public and private, in which its supporters were concerned. I say that to offer us such a safeguard as that is simply absurd. It is no safeguard at all. I wish now to say a few words as to the actual state at the present time of the demands of the Irish Prelates on this subject. I will not weary the Committee with many declarations, but I must give one. It was made by the present Archbishop of Dublin, the Most Rev. Dr. Walsh, on a very remarkable occasion about seven years ago, just at the time when he had been appointed Archbishop. He went to visit his brother Archbishop, Dr. Croke, at Thurles, and was presented with an address by the students. The utterance I am about to quote was made in response to that address. I should say it was just two days after Parliament had assembled, in January, 1886. The Government of Lord Salisbury was then in Office, and the air was thick with rumours, one of them being that the Government were about to give to the Roman Catholic Bishops a Denominational University for themselves, largely endowed, and in every way calculated to attract them, except that it was not to interfere with Dublin University or Trinity College. What did Archbishop Walsh say on that occasion? He said—

“Without running the risk of being set down as a false prophet, I may safely say that an attempt to deal with the Irish University Question will be amongst the chief proposals to be set before Parliament when it begins its work. It would, moreover, from the signs and whisperings that are in the air around us, be

no difficult task to sketch out the outlines of the projected measure that will be offered to us. Its main purpose will be to buttress up that ancient citadel of ascendancy and exclusiveness which has stood for centuries in College Green; to maintain unshaken that standing monument of conquest this new proposal will offer us in all probability the heaviest of heavy bribes. If it be so, I can safely prophecy of this new attempt which may be made to patch up the wretched system with which at present the Catholics of Ireland are forced to content themselves as a system of University Education that it will but serve to add one other item to a long catalogue of sad and disastrous failures. For so long as that central fortress of the education that is not Catholic”—that is, Trinity College, Dublin—“is allowed to stand, as it has now long stood, in the very foremost position, and to occupy the most glorious site in our Catholic City of Dublin, so long will it be impossible for any statesman, be he English or Irish, to deal with this great question on the only ground on which University reform in Ireland can be regarded as satisfactory, or even as entitled to acquiescence—the open and level ground of full and absolute equality for the Catholics of Ireland.”

The report I have quoted is taken from *The Freeman's Journal* of January 15, 1886. The Archbishop says, in effect, “You may offer us the most tempting salaries, the most splendid endowments and buildings, and every honour which may make the new University acceptable to us; but, as long as this ancient citadel stands as the representative of the education which is not Catholic, no settlement offered by English or Irish statesmen will be acceptable.”

MR. SEXTON: Will the right hon. Gentleman allow me to interpose for a moment? He has quoted some words used by the Catholic Archbishop of Dublin in 1886. Is he not aware of the more recent declaration, both of the Archbishop and of other Irish Prelates, that the Irish University Question might be settled in a sense satisfactory to Catholics without disturbance of Dublin University.

*MR. PLUNKET: I have not heard of any such declarations, but I am quite aware that in the presence of the Home Rule Bill very moderate language indeed has been used; and *The Freeman's Journal*, which I believe is the organ of the Catholics Prelates of Ireland, has made various complimentary allusions to Trinity College. They have said it has some claims on Irishmen, and has done some service to Irishmen, and they have spoken of levelling up as well as

levelling down. That is all very well in the presence of a Bill which proposes to transfer the control of Trinity College from this Assembly to an Irish Legislature; but I have quoted the words which were solemnly spoken in a most resolute and far-reaching way. Those words mean either the transformation of Trinity College into a place of Catholic teaching or its abolition. They mean confiscation or destruction. That is the doom pronounced by this haughty Prelate. I ask this Imperial Parliament, will they hand Trinity College over to such a master? is this the fate reserved for Dublin University? I thank the Committee for the attention they have given to me. I have been pleading for an Institution which is very dear to me, as it is I know to many in Ireland who do not share my political opinions. I will only ask, in conclusion, have we not got some claims to all the consideration and all the protection that this Imperial Parliament can give us? Have we not some claims as a place of learning; have we not some claims in regard to the services that Trinity College has rendered to Ireland, and, I will say, to the Empire? Anyone who remembers the proceedings of the tercentenary celebration of last year will not question the claims of the University of Dublin as a place of learning and research. On that occasion men came from all parts of the world to render their homage to, and express their admiration for, the work of this furthest outpost of learning in the Western Seas. But what has Trinity College done for Ireland? In a land riven by faction, in a society split to its base by religious controversy, Dublin University has for more than a century done all she could to fulfil the prayer of Grattan and the appeal of O'Connell by educating together the young men of Ireland. She has fulfilled her duty to the country in which she was placed, and I remember the eloquent words of the right hon. Gentleman (Mr. W. E. Gladstone) in 1873, when he expressed his sense of gratitude to, and veneration for, Trinity College, which he said had done for Ireland much of the good which had ever been done for her at all. She has sent forth Irishmen to win fame and fortune for themselves and renown for the Irish name in every part of the world

where the English language is spoken. I myself have seen four Irishmen, graduates of Dublin University, sitting at the same time on the Bench in the High Courts of this country. I have seen Lord Cairns presiding as Lord High Chancellor of England; I have seen Archbishop Magee enthroned as Archbishop of York; I have seen Lord Mayo, another Dublin graduate, administering the great Dependency of India for the Crown. Nor have her services been confined to any one class of politicians, or to any one section of the Irish people? It is the College of Swift and Molyneux, of Grattan and Curran, of Tom Moore and Thomas Davis, and of Isaac Butt. Yes; and in this House to-day there are not a few men who have had their education in Trinity College, Dublin, whom, though widely differing from me in politics, I am proud to claim among her *alumni*—I may name the present Attorney General for England and the hon. Member for Waterford, who I think, among the many eloquent men in this House, best revive the ancient renown of Irish eloquence. These are some of the services Trinity College has rendered to Ireland and to the Empire. We claim no immunity from any Act this Imperial Parliament may pass. Taking these records in my hand, I should not fear to plead the cause of my University before any enlightened tribunal in the world, before any assemblage of educated Irish laymen; but in view of the attitude which, as I think most unfortunately, has in recent times been taken by leaders of the Roman Catholic Church in Ireland, remembering their declarations and their threats, and foreseeing the power which would certainly prevail on such questions as these in such a Legislature as you are proposing to establish, I claim for Trinity College and for Dublin University that here in the clear light, in the free air, of this free and famous Parliament, and here alone, our fate shall be decided.

Amendment proposed,

In page 2, line 33, after the word "or," to insert, as a new sub-section, the words—" (6) Affecting the constitution, endowments, property, or privileges of Trinity College, Dublin, or of the University of Dublin; or."—(*Mr. Plunket*.)

Question proposed, "That those words be there inserted."

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian) : I am not surprised that the eloquent and touching appeal which has been made by the right hon. Gentleman on behalf of his College and his University should have elicited the warm cheers of the Committee at the conclusion of his speech. They were well deserved both in the letter and in the spirit of their appeal. The right hon. Gentleman has done me the justice and the kindness to refer to the language used by me in 1873 ; and, as far as I can derive any benefit from the appeal he has now made on behalf of his College, I say at once that that College shall receive the most careful, considerate, equitable, and generous treatment at our hands. I do not think there is any disposition to deal with it otherwise. But I separate that appeal from the speech of the right hon. Gentleman, because the distinction between them is broad. The appeal was, in point of fact, the only portion of the speech which had anything to do with the Amendment. The speech consisted of two parts : the first was an historical review, and the second a plea against the supposition that it would be safer to permit Trinity College and Dublin University to be dealt with under the 6th sub-section of this clause. With regard to his historical review, I thank the right hon. Gentleman for his candid, and more than candid, reference to the Bill of 1873. I confess that I was deeply interested in the fate of that Bill, and I have never understood the inner history of the public motives which led to that Bill being overthrown through the agency of the Roman Catholic Prelates in combination, I am bound to say, with the entire Tory Party. When the right hon. Gentleman came down to the point where he found himself in possession of some very strong declarations by some Roman Catholic Prelates against the system of education pursued in Trinity College, and apparently against Trinity College itself, he was reminded by a leading Irish Member that on a more recent date moderate language had been held and substantially different views expressed ; but his answer was—"Yes, that has been done in face of the Home Rule Bill." That is so. But what is the principle on which the right hon. Gentleman pro-

ceeds ? It is that language used by Roman Catholic Prelates or others at a period when they were in a condition of despair, when no hope was held out to them for the fulfilment of the one eager, passionate, undying wish of their country, that such language is to be interpreted with the utmost rigour and to the extremest letter to which it extends as the expression under all circumstances of their deliberate and final resolve ; but the language which they hold when the door of hope has been opened, when they see the way to the fulfilment of their reasonable expectations, and when the mellifluous effect of such prospects had had its legitimate result, is to be regarded as idle and null declarations, adopted to serve the purpose of the moment. [*Opposition cheers.*] Yes ; those cheers, in which I am glad to note the right hon. Gentleman did not himself join, are the expression of the extreme ideas which prevail in a certain section of the House with regard to the Irish people, and which, so far as they prevail, render hopeless the government of Ireland by this House. The whole argumentative part of the speech of the right hon. Gentleman, however, had no reference whatever to the Amendment. It was an argument entirely upon the 6th sub-section. Now, the question of the sufficiency of the 6th sub-section is not before the Committee at all. The right hon. Gentleman himself recognises that that sub-section contains the recognition of what I may call a threefold defence for Trinity College. First of all, the Irish Legislature cannot be moved except with the consent of Trinity College. Beyond that there is another security—namely, the Joint Address from the two Houses of the Irish Legislature. And there is a security which goes beyond that still, because the language of the clause is that there must be the leave of Her Majesty upon an Address of the two Houses of the Irish Legislature. The effect of that must be to give to the British Parliament a distinct *locus standi* with respect to proposals that might be made affecting the Charter of Trinity College. It seems to me the right hon. Gentleman has entirely failed to make out any case for the extension of that defence. But is the Amendment tenable ? The 6th sub-section may be insufficient, according to the view of the right hon.

Gentleman; but that does not show his Amendment is right. The Amendment is founded upon a different principle. That principle is to transplant Trinity College and the University of Dublin, and to reserve them altogether for the consideration of the Imperial Legislature, in which Ireland would be represented by a fraction comparatively insignificant in numbers of the entire Parliament, and consequently could not give anything of a marked Irish character to the Legislature considered as a whole. Is it fair or reasonable to take this matter out of the Bill altogether? It will be remembered that at different times during the discussions on this Bill the idea has come into view that Ulster, as it is called, which means merely the North-East corner of Ulster, might be taken out of the Bill; but Irishmen—Ulstermen, Protestants, and Orangemen—have recoiled in horror from that idea, and have said that whatever is to happen let us take our chance and our share with the rest of Ireland. That is, I think, noble language, that does credit to those gentlemen, and shows that after all they must, in spite of appearances, be more or less Irishmen, and that they are willing to fall into line with their fellow-countrymen in regard to legitimate Irish affairs. This is not, however, the language of the right hon. Gentleman, for he proposes to take Dublin University out of Ireland altogether, to deny that it has a legitimate Irish character, and to declare that it is a University whose interests can only suitably be considered in an Assembly where, if Irishmen sit, they will sit as a mere handful amongst an overwhelming number of those who are not Irishmen. The right hon. Gentleman is perfectly within his right in contending that the provisions of Sub-section 6 are insufficient for their purpose; but he goes beyond all limits in the matter in proposing to take Trinity College, Dublin, out of the purview of the Irish Legislature. I want to know how far this process of transplantation is to extend? Having once put the spade into the ground, and having carried out of Ireland a certain portion—and that not the worst or the least in that island—so far as they can over the Channel into this country, does the right hon. Gentleman think it is possible to stop there? Is the case of

Trinity College to be treated as positively exceptional? Are there no other Corporate Institutions in Ireland which have every claim, except that they are junior, that is possessed by Trinity College for exceptional consideration? If the Committee could be induced to accede to the proposal—and I am sure they could not—to denationalise Trinity College, and to say that no Irish Legislature, however constituted, should be able to propose any plan, however wisely and generously conceived, which touches Trinity College, they must deal in the same way with Queen's College, Belfast, and the other Colleges in Ireland. The result would be that every such incorporated Institution, although elaborately protected, and although it would be perfectly at liberty to persuade the Committee that it should be more elaborately protected, would inevitably adopt the principle that no such protection is insufficient. Under these circumstances, the only course open to the Committee would be to carry all of these Institutions out of Ireland and deal with them in the Imperial Parliament. It is, therefore, impossible for the Government to entertain the Amendment, which, whatever may be the case under Sub-section 6, is beyond the just scope of any Amendment to this Bill, and on behalf of which the right hon. Gentleman, with all his ability and eloquence, which have never been more largely expended than on the present occasion, has been unable to offer a single word.

MR. SEXTON said, he merely interposed to explain what he had previously said by way of interruption. He thought it rather unfortunate that the right hon. Gentleman, in the course of his elaborate and exceedingly able and eloquent speech, should have relied simply upon the words of one Prelate uttered some years ago; and he considered it would have been better if the right hon. Gentleman, before delivering so important a speech, and upon an occasion so grave, had informed himself of the utterances of a later date. He held in his hand resolutions which had been adopted at a general meeting of the Archbishops and Bishops of Ireland on the 25th of June, 1889. Those resolutions were signed by the Archbishop of Armagh, now Cardinal Logue. One of those resolutions was to the effect that the Episcopal Body

would be satisfied with the establishment either of an exclusively Catholic University or of one in connection with one or more other Colleges, the Catholic students to have equal privileges with non-Catholic students. Those alternatives having been presented, it followed that neither the Archbishop of Dublin nor any other Catholic Prelate in Ireland considered any disturbance whatever of Trinity College to be essential in the settlement of the question of University Education.

MR. CARSON (Dublin University) said, if the eloquent words of his Colleague in the representation of the University of Dublin were not of themselves sufficient to induce a favourable consideration for the Amendment from the Government, he did not at all presume to think that his words would bring about such a result. At the same time, he thought the Committee would acknowledge that it was but natural that one who was entrusted with the representation of Trinity College in this House should, so far as in him lay, protect her interests, and should desire to say something upon an Amendment which was of such vital importance to his constituency. He had thought when the hon. Member for North Kerry got up after the speech of his right hon. Colleague in the representation of Dublin University that he was going to quote something in some way or other modifying or withdrawing the speech of Archbishop Walsh upon which portion of the argument of his right hon. Colleague was based. Nothing of the kind had, however, occurred. He was surprised, after it had been reiterated over and over again by the Prime Minister and suggested by the hon. Member for North Kerry, that that statement by Archbishop Walsh was an isolated statement, that not one single word in modification of the statement; that not one single expression of regret for that statement; that not one single syllable withdrawing that statement, either by Archbishop Walsh or by any of the other Roman Catholic Prelates, had been brought forward in the Debate. There was nothing in the resolutions of the Bishops which were read by the hon. Member for Kerry inconsistent with the statement made by Archbishop Walsh. What was the substance of these resolutions? That the Roman Catholic

hierarchy would be satisfied if they got a representation proportionate to their numbers on the Board of the University of Dublin. Why, that was the very thing the Protestants of Ireland feared—that the University of Dublin would become a Roman Catholic Institution; for either that or its demolition would alone satisfy the Roman Catholic hierarchy. It was said that Archbishop Walsh's statement was an isolated statement. He did not at all agree with that. He found in *The Scotsman* of 17th April, 1893, an account of Cardinal Logue's visit to Belfast, where, in reply to an address from the students of St. Malachi's College—

“His Eminence contended that the Queen's Colleges of Ireland and the University of Dublin were Godless institutions, and dangerous to the faith of Catholic students.”

The 19th of April, 1893, while actually this Home Rule Bill was being considered by the House, Archbishop Walsh denounced Trinity College as non-Catholic, and Cardinal Logue denounced it as a Godless Institution; and if the Committee were to hand over Trinity College to a Parliament which would be to a large extent composed of the nominees of the Catholic Bishops, what chance would there be for the Institution? and the Prime Minister referred to what he described as the milder declarations of the Roman Catholic hierarchy on the subject of Trinity College, and argued that it was unfair to pin them to one isolated expression. But the right hon. Gentleman, like the Member for North Kerry, did not quote a single word of these milder declarations. The fact was, that these milder declarations existed only in the goodwill of the right hon. Gentleman; they existed only so far as that the right hon. Gentleman wished them to exist; but the Committee should not believe in their existence until they were produced. So far as he knew, the arguments that were raised by the hon. Member for Kerry (Mr. Sexton) were not inconsistent, but would enable them to carry out the very things they had put forward. The right hon. Gentleman the Prime Minister asked why Trinity College should be excepted any more than any other Institution in Ireland; and he thought the right hon. Gentleman put forward this extraordinary argument that, by excepting Trinity College

from the Bill, they were practically transplanting it from Ireland. If he could follow the right hon. Gentleman, he rather talked in this way: that it would become an alien or foreign Institution. Was that so? If so, some alarming results had already happened by what the Committee had already done on this Bill. They had already excepted every Institution established or maintained for the purpose of carrying out denominational education; and he wished to know, had they transplanted these to this country and thereby rendered them foreign Institutions in Ireland? It was a most extraordinary argument; but it was the whole basis of the right hon. Gentleman's argument, because hitherto Trinity College had been a National University; but if they excepted it from the Home Rule Bill, they transplanted it from that position. As he had said, they had done the same with every Denominational Institution in Ireland. Let him draw the attention of the Committee to this fact: If Trinity College were a Denominational Institution they themselves would have excepted it from the Bill; but because Trinity College, originally founded by Charter 300 years ago as a Denominational Institution had of its own free will and volition kept pace with the times to such an extent as to open its doors to all religions, had agreed to become an Undenominational Institution, for that generosity they were going to put it in the power of the Irish Legislature, whereas if it had retained its character as a Denominational Institution they would have excepted it. He asked, was that really what the Committee were prepared to do? Had anybody in the Committee ventured to deny that by the opening of Trinity College the young men of Ireland of all religions, had been able to meet there, to be brought up there, and educated together; where they had formed generous friendships and relations which stood out in the history of Ireland beyond all the faction and all the struggles they had been going through? And the return which the Committee were going to make to the Board for doing all that was simply to tell them they were too late now; they themselves, according to the spirit of the age, had rendered themselves

an Undenominational Institution, and the Committee would not give the exception they would have given if they had retained the character of a Denominational Institution. He should like to ask this question, because he thought it was one entirely germane to the Amendment of his right hon. Friend. What suggestion could be made as to what would be any reasonable change in the Charter of Trinity College as it at present stood? He could well understand an argument brought forward as to whether they were going to allow a change in this or in that respect; but he wanted to know what was the change they suggested could be made with any advantage, or that the Committee would say ought to be made in the Chartered Institution of Trinity College, Dublin? Were they going to make it more undenominational? That was not the policy of the Bishops of the Roman Catholic Church in Ireland. Their policy was to rear up Denominational Institutions. Were they going to allow them to turn it into a purely Denominational Institution? If so, it would be for Roman Catholic education, as it would be going too far to expect they should ask Trinity College so to alter its Charter as to exclude Roman Catholics, and put it back to the position it was in 100 or more years ago. Therefore, what was the manifest change they were to make? One that might be suggested was that the Catholics might be admitted on the Board. If there was one thing more than another that deserved commendation it was that the Board was not selected with reference to politics, to religion, or anything else save and except merit, according to seniority. There was nothing to prevent Catholics of Ireland, who had attained the position of Fellows, from obtaining even more than a due place on the Governing Body of Trinity College according to their number in the College. Were they going to suggest something like what was suggested and repudiated by this House in 1873, that instead of the present system there should be a selection by the Government, or in some other way, of Roman Catholics and Protestants for the purpose of keeping up a balance on the Board? He submitted a more excellent system prevailed at present; and in the course of time, if the

Roman Catholics came into the University, they would obtain by their own merits a full position on the Board and a full position in the management of this great University. Therefore, he asked, why should Trinity College be in any way interfered with, or why should they give a power of interference? Was there any Catholic candidate, or anyone who had been a student at Trinity College in this House, who would get up and say that, either educationally or socially, he was at any disadvantage in Trinity College? Any Catholic who had gone through Trinity College would bear testimony to the truth of what he was saying—that, so far from its being any disadvantage either in obtaining prizes or the awards that were given, far more than a due proportion of them, according to numbers, were obtained by those Catholics who had matriculated there. For himself he had never known any advantage of any kind derived at Trinity College by the adherents of any religion over those who professed another faith. Therefore, he said that, so far as Trinity College was concerned, it was the great Undenominational Institution in Ireland, that had tended to cement the breaches that had existed, and if they were only a little more common in Ireland might tend to a great and ready solution of this question; therefore, they asked the Committee not to hand over this great Institution to the Irish Legislature. The right hon. Gentleman the Prime Minister said the 6th sub-section was not before them, though he noticed that the right hon. Gentleman, having made that remarkable statement, proceeded to discuss it.

MR. W. E. GLADSTONE: I was replying shortly to a lengthy statement of the right hon. Gentleman.

MR. CARSON said, it was a strong point to lay down that hon. Gentlemen must not refer to the 6th sub-section, because the very justification for the Amendment was that they were not protected by any other clause or sub-section in the Bill; therefore, before they could justify their putting down this Amendment, they must be prepared to show—as his right hon. Friend showed conclusively—that none of the safeguards of the 6th

Mr. Carson

sub-section covered the case of Trinity College, Dublin. They were told by the 6th sub-section that any Corporation incorporated by Royal Charter was not to pass a law—

“Unless it consents, or the leave of Her Majesty is first obtained on Address from the two Houses of the Irish Legislature.”

What protection was that? There was not so much protection as an Act of Parliament going through the two Houses; to prevent them passing a law was absurd if the Address of the two Houses was sufficient. Then it was said they must get the assent of Her Majesty in Council. That would depend on what was the condition of the Parties in this House in relation to the Irish contingent who might be holding the Government, who, if the Government refused that assent, might turn the Government out of Office. So, as far as that was concerned, there was no protection at all. He would like to draw attention to this: that if they got that assent they could take away from Trinity College, and deprive her of her property, even without due process of law, and it was only where assent was not given or the Address was not given by the two Houses that they could proceed to deprive Trinity College of her property so long as they did it by due process of law. It would be easy to pass an Act, but what was the due process of law to carry it out? If it meant anything, it meant the process laid down by Parliament itself; because as the law at present existed, he defied his hon. and learned Friend on the Bench opposite to point to any due process by which Trinity College or any of these Corporations could be fined in Ireland. Therefore, they came to this: Was the Committee prepared, in face of the fact that Trinity College had over and over again been assailed, and only protected by the multiplied interests in this House; were they now, after the House in 1873 rejected the proposal, to change the constitution of Trinity College, going to hand over the power of doing so to the Irish Legislature, to a subordinate Parliament to their own? As his right hon. Friend said, they claimed no immunity for Trinity College—no sanctity; but what they did say was

that if they could find any privileges there that did not attach to all classes of the community, let that be dealt with, and not hand over the College to those whose only effort had been to ever assail and threaten her. He must say, in relation to this Amendment, the conduct of the Government in refusing this safeguard would vastly intensify the feeling of hostility to this measure. He would suggest that, instead of aggravating that feeling which unfortunately existed between the different classes in Ireland, the Government would be doing a generous, a proper, and just act in assenting to the Amendment.

MR. J. E. REDMOND (Waterford) said, that, though he had sedulously abstained from taking part in various Amendments upon this Bill, he thought this was an occasion when, perhaps, a few brief words from an Irish Catholic Nationalist might be of value. No one could complain of either of the speeches of the right hon. Gentlemen representing the University of Dublin. If they really believed, first, that there was among the Catholic Prelates of Ireland, and, secondly, amongst the Catholic population of Ireland a desire to despoil and destroy Trinity College; and, in the third place, if they believed that the safeguards provided were not adequate, they were not only justified, but it was their bounden duty, to take the stand they had upon this Amendment. But he, for his part, disputed both portions of their argument. He did not profess to be in a position to interpret the views of the Catholic Prelates on this question; but certainly he, without any hesitation, could say that he did not believe it was correct to state that amongst the general Catholic population of the country there was any such desire to destroy and despoil Trinity College as seemed to be imagined. No one could help but listen with sympathetic interest to the defence made by the right hon. Gentleman who moved this Amendment; but he would point out that the argument, in which the right hon. Gentleman showed conclusively Trinity College had given advantages to Ireland, was an argument that

ought to convince the Committee that every important party in Ireland had its share in the honour and the pride which Irishmen entertained for Trinity College. The right hon. Gentleman pointed to the fact that Trinity College had been associated in the past with some of the greatest names connected with the National movement in their country; and though the Catholic population of Ireland for many long and weary ages were excluded from the benefits of Trinity College, and though in their eyes it was a citadel of the ascendancy party in Ireland, an Irishman still remembered the association of Trinity College with these great names of the National movement, and even the humblest peasant in Ireland shared in the feeling of pride that found such admirable expression in the speech of the right hon. Gentleman who moved the Amendment. The right hon. Gentleman quoted from a speech delivered in 1885 or 1886 of the Most Rev. Dr. Walsh. He assumed the right hon. Gentleman had satisfied himself that that speech was accurately reported. He knew not what were the feelings or opinions entertained by Dr. Walsh at that time; he assumed from the quotation read by the hon. Member for Kerry (Mr. Sexton) that if he entertained those opinions in 1886 he condemned them since; but whether or not it appeared that that right rev. Prelate was not able at the last Election in Ireland to return a single Member for any constituency, either in Dublin City or Dublin County, yet that quotation from the Right Rev. Dr. Walsh was paraded as conclusive proof that he would be able, unchallenged, to have his way in an effort to despoil and destroy Trinity College in an Irish Parliament. If he thought that the right hon. Gentleman had made out his case, first, that the Irish Parliament wanted to destroy Trinity College, and, secondly, they would be able to do it under the Bill—if he was convinced of those two points, he would walk into the Lobby in support of this Amendment. Having dealt, in a few words, with the supposition that the Catholics of Ireland wanted to destroy Trinity College; but utterly disbelieving that, he came to the second point, Was there not adequate provision in the Bill? His hon. and learned Friend who had

just sat down (Mr. Carson) had pointed out this Amendment was rendered necessary by the fact that Sub-section 6 of the Bill did not provide adequate security; therefore, he was not only in Order, but was bound to refer to Sub-section 6, and what he said about it was this: If it was not an adequate protection, then its inadequacy must be based on these assumptions. It must be assumed, in the first instance, that the Bishops and all the Prelates of the Catholic Church were determined, in spite of their recent declarations, to destroy Trinity College as a necessary step towards obtaining justice in education for Catholics. Secondly, it must be assumed they would be enabled in an Irish Parliament to obtain Addresses from both Houses in favour of such a policy. He did not believe that such a supposition was possible for a moment. What was the demand which the Irish Catholic Lay Body made on the question of University education? So far as he knew, they had never made anything like a demand, as a body, for any privilege that would tend to destroy and despoil Trinity College. What Catholics had been striving for for generations had been to obtain for themselves an Institution of their own, privileges, and perhaps endowments, as favourable to them as the privileges and endowments enjoyed by the Protestant denominations of Trinity College. He, for one, had never heard any strong demand put forward by responsible Catholic laymen in Ireland in favour of despoiling or destroying Trinity College, and he knew very well that if such a demand were put forward that other Catholic laymen as prominent, and probably as powerful with their country, would be found in bitter and irreconcilable opposition to such a demand. Therefore, he was convinced the second supposition was just as ridiculous as the first supposition, or more so. But the third supposition, on which the inadequacy of this safeguard must rest, is that this Imperial Parliament is not to be trusted in the matter, because Sub-section 6 provides that no such legislation can pass unless the two Houses of the Irish Legislature present an Address in favour of it, and unless Her Majesty, acting on the advice of Her Imperial

Mr. J. E. Redmond

Cabinet, sanctions it. It was assumed, for the purpose of argument, that when the Irish Prelates had made up their mind to destroy Trinity College, that they became so powerful in the Irish Parliament that they had been able, against the will of the intelligent Catholic Irish laity, to get an Address in favour of despoiling the College; and it was assumed, in the third place, they came here and found such an acute crisis existing that the Government of the day, to buy the support of Catholic Members from Ireland, would consent to the act of despoiling. A more ridiculous supposition was never heard. If that supposition might be regarded seriously what was to prevent the danger arising now, without Home Rule being passed at all, in any great political crisis which might arise to-morrow? ["Hear, hear!"] He appreciated the meaning of that cheer, and he applied it at the present moment for illustrating his argument. Say at this moment there was a Government in power who depended for existence on the vote of the Irish Catholics, and suppose the Irish Bishops had, through these representations, demanded the Government should consent to an Act despoiling and destroying Trinity College, did they believe that a Government, even so dependent and servile as they called the present Government, would dare, in the face of English Protestant opinion, consent to such a proposal? They knew it was an impossibility. But even if it were the case, that danger existed now; the danger would be no greater, after they passed this Bill as it stood at present, than at the present moment. He was convinced the safeguard in Sub-section 6 was sufficient. If he thought it was insufficient—if he believed that the Irish Parliament wished to destroy Trinity College, and had power under the Bill to do it, he would vote for the Amendment. It was because he, as an Irish Catholic, repudiated that idea that they were guilty of the vandalism of trying to destroy that noble monument of their country, that he should vote against the Amendment.

*Mr. COURTNEY (Cornwall, Bodmin) should be sorry if the question of Trinity College was supposed to be left

to the Members of the University of Dublin in this House. His right hon. Friend the Head of the Government objected to this Amendment on the ground that it was supposed to denationalise the University of Dublin. That was the strongest argument put forward against this Amendment. Let them understand what the position of Dublin University was at this moment. For a century all Irishmen, irrespective of creed, had been freely admitted to the University of Dublin; and as the hon. Member for Waterford had reminded them he, his father, and grandfather, had shared in the educational advantages of that great Society. For 20 years every pecuniary advantage obtainable by any student in fair and free competition had been open to every Irishman; and Roman Catholics, and Moravians, and men of diverse creeds had succeeded in obtaining the highest position in the Society. They had become Fellows. A Roman Catholic at this moment was a Fellow of Trinity College; and there was, in fact, nothing whatever to detract from its truly national character. It was non-Catholic, just as it was non-Episcopalian or non-Wesleyan, and, if Catholic students entered and distinguished themselves, nothing was required but the slow lapse of time to transform its living organisation into a predominantly Catholic Institution. It was now national, and what they feared was that, if left to the free action of the Irish Legislature, it might cease to be national, and might, by the operation of that Legislature, be transformed in some degree, if not wholly, into an Institution of a totally different character. That was the ground of the attack of Archbishop Walsh in Trinity College—that it was non-Catholic; and he said in 1886—which was not so far back—that he would never be satisfied with any concession that left that citadel untouched in its non-Catholic character. The hon. Member for North Kerry had read some very recent resolutions of the Roman Catholic hierarchy assembled together, which had, the hon. Member understood, put a totally different complexion upon their demand. Let him point out they were not afraid of any suggestion of despoiling, destroying, or scattering Trinity

College. He did not conceive that the most ignorant Irish peasant, or the most virulent Irish ecclesiastic had dreams of that kind. It was a great Institution not to be destroyed, but what they feared was its transformation.

MR. SEXTON: The resolutions I read showed that, in the opinion of the hierarchy, in order to settle the University question in Ireland satisfactorily to the Catholics, it was not necessary to lay a finger upon Trinity College.

***MR. COURTNEY:** I listened carefully to the reading of those resolutions. The dominant resolution was that there was to be introduced something which would give a Catholic character to the control and administration of the Universities. ["No, no!"] What was the third resolution?

MR. SEXTON said, the first resolution stated that the question might be settled by the establishment of an exclusively Catholic University, or that in connection with a common University there should be a Catholic College. The third resolution related to a common University, and said the Catholics should have the security of a number of representatives on the Governing Body, and there was also the alternative of making an exclusively Catholic University. There were clearly two alternatives—either by establishing an exclusively Catholic College, or of a Catholic College in connection with a common University. The earlier of the two alternatives excluded the idea of interference with Trinity College.

***MR. COURTNEY** said, the proposal, as he listened to those resolutions, seemed to be that those who were responsible for them would be quite content to have a Catholic College within the University, and that University would be transformed into an Institution largely controlled by the Roman Catholic hierarchy. Those resolutions were directed to alteration and denationalisation of Trinity College, so as to convert that which was now open to all classes into an Institution to be largely—if not

exclusively—controlled by the Roman Catholic hierarchy.

MR. SEXTON : I am sure the right hon. Gentleman desires that the resolutions should be fairly understood. No doubt a common University might or might not exclude Trinity College; but certainly the proposal for an exclusively Catholic University is one which excludes the idea of interfering with Trinity College at all.

MR. COURTNEY : Does the hon. Member for North Kerry think that in the condition of the finances of Ireland in the future it will be possible to endow a strictly Roman Catholic University on the same scale as Trinity College?

MR. SEXTON : I reply at once in the same strain that if the University Question could be settled without touching or hurting Trinity College the Irish people would be happy to find the money.

***MR. COURTNEY** said, they were really fighting against the deprivation, or the possible deprivation, of the National character of this great Society. His right hon. Friend the Prime Minister went a little too far. He had forgotten what had already been included in this clause. There had been put in words to prevent the Irish Legislature from diverting the property of any Religious Body, and it was intended that there should be no power on the part of the Irish Legislature to interfere with the organisation of any Religious Body. They were seeking the same protection here for a non-Denominational Institution as was granted to a Denominational Institution. The power to deal with Denominational Institutions in Ireland had been taken from the Irish and given to the Imperial Legislature. Because Trinity College was not denominational, but was national; because it had risen to the height of their greatest ambition they, the Government, were determined to take it away from the protection of the Imperial Parliament, and give it to the protection of an Irish Parliament. And then there were those famous words in a subsequent

Mr. Courtney

sub-section, to which they were referred as comforting words. If the position taken up by the Head of the Government was accurate, he had in those words introduced some extra-national protection. But he would point out that if the action of the Queen in assenting to an Address of the two Houses of the Irish Legislature was to be controlled by the advice of Her Majesty's Ministers here, they did so far expatriate the control of the University, and did take it away from the Irish Legislature and give it, in some shape at all events, to the Imperial Legislature. He confessed that in the words which were inserted in the Proviso to which the hon. Member for Waterford had referred, he could find nothing about the Queen exercising her Prerogative on the advice of the Privy Council in England.

MR. J. REDMOND : That was assumed in the argument throughout the whole of the Debate.

***MR. COURTNEY** said, the hon. Member quoted it. [**MR. J. REDMOND :** No.] He knew that the words were not in the Proviso; on a strict construction of the language the words ought not to be there, and, what was more, in the nature of things the words could never have had a dual operation. If it were conceded that the future fortunes of the University of Dublin were to be open to the action of an Address from the two Houses of the Irish Legislature to the Crown, it would be practically impossible for the Crown, whatever might be the feelings of the Ministers of the Crown, to refuse to assent to this Address. [**AN HON. MEMBER :** There is the veto.] The veto would be utterly powerless, and would never be put into operation. Irrespective of the possibility of pressure to be exercised by Irish Members in this House, it would never be put into operation from the nature of things. It would be vain and idle to think that they had got any protection in that reserved power of refusing assent to an Address of the two Houses. But, asked the hon. Member for Waterford, was it conceivable that any Ministry would assent to it? They had the spectacle in 1873. When the Head of the Government introduced his ill-omened Bill of that year

he was yielding to a demand, just in the same way as a demand might be yielded to if this Bill became law and the operation of the subsequent clause came into play. The right hon. Gentleman, in introducing his Bill of 1873, was yielding to a demand which was happily defeated by the pressure of forces which he was afraid were not so strong now as then. He was defeated by a strong Radical contingent, at the head of which was his lamented friend, Mr. Fawcett. In this Amendment they were, no doubt, touching one of the vital issues of the whole problem. They were considering whether they should abandon that moderating control which this Parliament had exercised in the past in order to give over—not to the control of a unanimous nation, but to the control of a sectarian majority—the future administration and fortunes of the highest form of education in Ireland. In this connection he could not help recalling the words used, in the later years of his life, by a great Belgian authority, M. de Laveleye, who was himself engaged in a similar University struggle, and also in a struggle respecting primary and secondary education in Belgium. That gentleman, strong Liberal and partisan of nationalists as he was, said that the separation of Belgium from Holland was, in his view, a mistake, because it handed over the national education of Belgium to struggle with an ecclesiastical party. They were now entering upon a similar path, and they might take warning from that language. It might well make them pause and say that, from a consideration of the facts of the case and the issues involved, they would keep this great National Institution national under the auspices of the Imperial Parliament, and not submit it to the chances of any Legislature in Dublin.

*MR. W. KENNY (Dublin, St. Stephen's Green) said, the hon. Member for Waterford (Mr. Redmond) had asked to be heard as a Catholic Nationalist, and he (Mr. Kenny) asked the Committee to hear him as a Catholic Unionist who had graduated in the University of Dublin. He supported the Amendment which had been moved by the right hon. Gentleman the Member for the University, and supported by the junior

Member for the University of Dublin, because he had been through Trinity College, and he knew how free that College was to every denomination at the present time, and on what a basis of perfect equality all the *alumni* of that College stood, and had stood for years. The hon. Member for Waterford repudiated the notion that the Irish people or the future Irish Parliament would either attempt to destroy or despoil Trinity College. He was inclined to agree with the hon. and learned Member to a certain extent. He did not think it necessary for those who supported the Amendment to go the length of saying that the Irish people or the future Irish Parliament were likely to despoil or destroy Trinity College; but that the Irish Parliament would meddle with Trinity College no person who had listened to the speech of the hon. Gentleman could doubt for one moment, because, while he repudiated the notion that the Irish people would either destroy or despoil Trinity College, he had not for one moment said that the Irish Parliament would not deal with it in some way or other. How did the matter stand, and how was Trinity College situated under the present Bill? The Prime Minister said that the Amendment proposed to take the University out of the control of the Irish Parliament altogether. But what did the right hon. Gentleman himself do in his Bill of 1886? By his Bill of 1886 the right hon. Gentleman did what he now complains the Amendment proposes to do. Evidently, upon the consideration they had given to the Bill in the interval between 1886 and 1893, the Government had come now to a different conclusion with regard to the control of Corporations to that at which they had arrived in 1886. By Sub-section 5 of Clause 4 of the Bill of 1886 the Irish Legislature was restrained from making any laws which would impair the rights, property, or privileges of any existing Corporation incorporated by Royal Charter or local or general Act of Parliament, unless with the consent of the particular Corporation or the leave of Her Majesty was first obtained on an Address from the Irish Legislature. The University of Dublin was incorporated by Royal Charter, so that under that Bill the Irish Parliament could not

have trenched upon the privileges of Trinity College in the slightest degree without the consent of that Corporation itself or by leave of Her Majesty. Under the present Bill what had they? The Government intentions had undergone a change, and now they had inserted in the 6th sub-section of this clause the words "without due process of law." The University of Dublin was a Corporation, and under this 6th sub-section of the 4th clause of the Bill no law could be made by which an existing Corporation might, unless it consented or the leave of Her Majesty was first obtained on an Address of the two Houses of the Legislature, be deprived of its rights, privileges, or property, "without due process of law." But by "due process of law," whatever that indefinite expression might mean, Trinity College, as a Corporation under this sub-section, could be deprived of rights, privileges, or property. That led him, to some extent, to anticipate the discussion which would arise further on as to what was the meaning of "due process of law." Was it not the law which would be found to exist when the "due process" came to be put into force? The procedure, by which a Corporation like Trinity College might be deprived of its Charter, or have that Charter altered against its will, might not be changed, but it would be perfectly possible for the Irish Parliament to create new causes of forfeiture, which might be made the basis hereafter for depriving the University of Dublin of its ancient Charter. [An hon. MEMBER: The veto!] They were told that this Bill bristled with safeguards, and was saturated with supremacy. He ventured to say it was pervaded with distrust of the Irish Parliament from beginning to end. If any other argument were required to support that contention, it was supplied by the fact that Corporations like Trinity College had been placed in the 4th sub-section, which comprised certain subjects withdrawn from the cognisance of the Irish Parliament, because it was anticipated that Irish legislation with reference to them might lead to injustice of some sort. As a graduate of Trinity College, who did not want that ancient University touched or meddled with in any degree, he heartily supported the Amendment.

Mr. W. Kenny

MR. ROSS (Londonderry), speaking on behalf of the Presbyterian graduates of Trinity College, corroborated everything that had been said by his hon. and learned Friend as to there being no ascendancy whatever, but absolute equality among all classes of students in that University. He considered the hon. and learned Member for Waterford was the last person in that House who had any right whatever to give them any assurances as to the safety of Trinity College. The hon. and learned Member told them, in the first place, that the Irish hierarchy had not the will to attack Trinity College, and that, if they had the will, they had not the power. The hon. and learned Member asked, in triumphant tones, how was it the Irish hierarchy had been unable to return one single Member for Dublin City or County? He would like to know how many were returned over the rest of Ireland?

MR. J. REDMOND: That is not what I said at all. Archbishop Walsh was quoted, and it was sought to be inferred that he and those who agreed with him would be omnipotent; and I pointed out that Dr. Walsh, in his own arch-diocese, had been unable to return a single Member for the City or County of Dublin.

MR. ROSS said that, although Dr. Walsh had not been able to return any Members in his own diocese, his colleagues with whom he acted, and who moved together as one man, were able to sweep the whole of the rest of Ireland. [MR. J. REDMOND: They were not quoted.] The fact was as he stated, and his argument, therefore, held. The hon. and learned Gentleman, he had no doubt, if he was in an Irish Legislature, would do his best to defend the interests of Trinity College. The hon. Member was one of the few hon. Members sitting below the Gangway educated at Trinity College; some other Nationalist Protestant Home Rule Members showed their patriotism by going to Oxford and Cambridge. The hon. and learned Member for Waterford would, no doubt, do his best to protect Trinity College from the attacks of

the hierarchy ; but what power would he have ? He was at present at the head of a powerful Party of nine ; but was there any prospect of the hon. and learned Member adding to that Party in Ireland ? [“ Yes.”] He was glad to see that the Party of nine were a Party of hope. The hon. Member and his Party had fought a desperate and determined battle for a good cause. [*Ironical Nationalist cheers.*]

MR. J. REDMOND : The cause was the cause of political independence.

MR. ROSS said, he could not imagine a better cause, after the exposure of the tyrannous conduct of the Roman Catholic hierarchy in Ireland. He thought it was a glorious struggle. But what chance would that Party have of half as much support when they were fighting on behalf of Trinity College ? Any person living in Ireland must know that the protection held out to them by the hon. and learned Gentleman and his Party of nine was a protection upon which no sane man could rely. Again, what protection could they expect from the popular Assembly ; and as to the Legislative Council, what man with any knowledge of Irish affairs could imagine that the representatives of the £20 valuation, Irish farmers, would ever be inclined to strike a blow on behalf of Trinity College ? Why, half of them had never heard of Trinity College. Then the hon. and learned Gentleman appeared to fall back upon the veto. He had noticed for the last few days that no Member of the present Cabinet would even mention the veto without a kind of apologetic cough. As regarded the House of Commons being influenced by the votes of the Irish majority in that House, they had at present in the House of Lords a protection against any sudden change being made. This was a matter of interest to the entire Protestant population of Ireland—Presbyterian and Church of Ireland—and to a large portion of the Roman Catholics of Ireland. If Trinity College had shut its doors against denominations, if it had never admitted Presbyterian or Roman Catholic, it would at present be safe under the Bill ; but because Trinity College had had the courage and the

progressive spirit to throw open its doors to all classes of Irishmen, it was to be left absolutely at the mercy of those who had proclaimed themselves hostile to it. He would like to know what position the Government took up in this matter, and whether they thought that Trinity College was in no danger ? The Roman Catholic hierarchy in Ireland had always demanded the supreme control of education, and any person who could imagine that Trinity College would be safe under the circumstances would believe that a lamb would be safe when thrown to a wolf. If the Catholic hierarchy did not seize Trinity College they would, beyond all doubt, attempt to establish a Roman Catholic University in Ireland, and the funds would come from the resources of Trinity College. [“ No, no !”] Of all the cruel and wicked things in this Bill, the handing over of Trinity College, which had been so often threatened and had been so so much the object of attack of the Catholic hierarchy, was the worst. He begged to support the Amendment.

MR. HARRINGTON (Dublin, Harbour) said, so much misconception had arisen with regard to the views of the Irish hierarchy on this question, and especially with regard to the views of Archbishop Walsh, that he thought it necessary to go back to the subject for a short time. In the extract which the right hon. Gentleman had read Archbishop Walsh was dealing with the question of the claim of the Irish Catholics for equality in higher education, and he only referred to the objection of Trinity College standing as a badge of ascendancy, inasmuch as the Irish Catholics were not to be placed on terms of equality with it. Archbishop Walsh was commenting upon a speech made by the right hon. Gentleman the Leader of the Opposition, from whom danger was more to be apprehended in this matter. He said—

“ Before quoting from this important speech, I think it useful to make some general observations as to the various ways in which the work of reform in the department of Irish University Education may be taken in hand with a view to a satisfactory and final result. Keeping in view, then, the one essential element of the Catholic claim—that is to say, equality—we

may regard the Irish University Question as capable of being finally dealt with in any of the three following ways. It may be dealt with on the basis either of one State-recognised University in Ireland, or of two such Universities, or of three.

"I. First plan : One State-recognised University in Ireland embracing as its Colleges all Colleges fulfilling certain conditions to be laid down as entitling a College to University status ; the examination for degrees to be held, and the degrees to be conferred, by the University. This was the basis of Mr. Gladstone's scheme. In any such settlement of the question, the points to be carefully looked after and secured would be—(a.) An endowment for a fully equipped Catholic College in Dublin, which would place that College in a position, and furnish it with advantages, equal in every respect to those of Trinity College.

"II. Second plan : Two State-recognised Universities in Ireland—one of these being the University of Dublin modified in its constitution, as Mr. Butt proposed, so as to comprise within it a great Catholic College in Dublin, in addition to Trinity College—the Royal University continuing substantially in its present form, but with all necessary modifications in detail. In any settlement proceeding on these lines, the same three points would require attention which have been mentioned in the case of the first plan. But, as regards the third of these points, two Governing Bodies would have to be dealt with in this case—one for each University."

"III. Third plan : Three State-recognised Universities in Ireland—one of these being the University of Dublin, its present constitution, as well as that of Trinity College, being in no way interfered with ; the second being a Catholic University, the central seat of which would be a great Catholic College in Dublin ; the third being a University for the Presbyterians and Protestant Dissenters generally, which would naturally have for its centre the present Queen's College of Belfast."

It was upon these proposals that all this vehement declamation had been uttered as to the intentions of the Irish hierarchy with regard to Trinity College. He was in no way concerned to defend Archbishop Walsh ; but that most reverend Prelate was distinguished for the broadness of his views. He wished now to quote an extract from a speech made by the right hon. Gentleman the Leader of the Opposition on the 24th August, 1889. The right hon. Gentleman said—

"I repeat in the House what I have said outside the House, that, in my opinion, something ought to be done to give higher University education to the Roman Catholics in Ireland."

But where were the funds to come from ? It ought to be the duty of any Government responsible for the government of the country to devote its attention to that

Mr. Harrington

matter. The right Gentleman proceeded—

"I regret—I do not deny that I do regret—that the Roman Catholic clergy in Ireland have felt it their duty to discourage men of their religion from taking full advantage of the Queen's Colleges in Galway or Cork, or of Trinity College, Dublin, which are now open to every denomination. But regrets are vain things. The Roman Catholic hierarchy have thought it their duty to adopt this policy, and we have to take the facts as we find them. The experiment of undenominational higher education in Ireland has now been tried sufficiently long to make it, I am afraid, perfectly clear that nothing Parliament has hitherto done to promote that object will really meet the wants and wishes of the Roman Catholic population of the country."

Perhaps the right hon. Gentleman did not remember the expression, but Archbishop Walsh had called attention to the fact that that extract from the right hon. Gentleman's speech, which appeared in *The Times* and other newspapers, was suppressed in the *Hansard* report.

MR. A. J. BALFOUR : As the hon. Member has thrown out a challenge to me, I can hardly do otherwise than meet it. I have no doubt that the extract from my speech which the hon. Gentleman read is accurate. I admit that in 1889 I held hopes on the subject of higher education in Ireland which have been a good deal dashed since by experience throughout the country ; but from no words I have uttered on the subject do I recede one hair's breadth. I always thought, and still think, that it is a most unfortunate development of modern Roman Catholicism that they insist, wherever they have the power, in discouraging Roman Catholics from going to any place of higher education in Ireland of which they have not the control ; but, as I said in the extract quoted, I have to recognise the facts. I cannot look at what has been done in Germany and Belgium, or at the aspirations uttered in Ireland, without seeing that in all countries where the Roman Catholic clergy are in a dominant position they do insist that higher education for members of their own creed shall only take place in institutions under their own control. In these circumstances I thought in 1889, and I think still, that it would be politic, wise, I will not say just, but it

would belong to the higher region of statesmanship, closely bearing upon justice—I mean it is not a right to be claimed, but a gift to be granted—that the Imperial Parliament should do something to meet this demand in Ireland, without which I believe neither the Roman Catholic clergy nor the Roman Catholic population will ever be contented. I think if it were done it would have the effect of absolutely saving Trinity College from any probable attack upon it. If this Bill passes, I do not see how it is to be done, because it will require a large expenditure of money, which the Irish Exchequer will not be able to provide. The deduction to be made from that is that when the Irish Parliament find themselves face to face with the alternative of wringing the last 6d. from their own taxpayers on the one side, or of attacking an institution like Trinity College on the other, the life of Trinity College would not be worth five years' purchase unless some provision such as that proposed is inserted in the Bill, or some machinery which will conform to the wishes of the Irish episcopacy is provided. That is the reason why I earnestly desire to see the Amendment put in the Bill. Hon. Members below the Gangway answer the contention that Trinity College would be attacked as a godless Institution by saying that the Catholic hierarchy have expressed their willingness to be content with the establishment of another Catholic University side by side with Trinity College. But can they establish such a University under the Bill? I put that question to the Government. Will it be possible, in face of Sub-section 1 of this clause, which says that the Irish Legislature may make no law respecting the establishment or endowment of religion? Do the Government mean, or do they not mean, to prohibit the application of Irish taxes, drawn from every class of the Irish community, to the establishment of one, two, three, or half-a-dozen purely Sectarian Institutions as the new Legislature may determine? That is a question of vital importance. It appears to me that the Government themselves do not know what will be the powers of the Irish Legislature on this point, and have not made up their minds whether they will give that power to the Irish Legislature

or not. There does not seem to me to be any protection whatever afforded to an Institution which for 300 years, in times of the deepest political gloom, in times of revolution, in all circumstances and under all kinds of government, has held aloft in Ireland the flame of pure learning, research, and scholarship, irrespective of party or creed, to the lasting honour of the Irish race.

MR. SEXTON said, he had ventured on a former occasion to say that the Members from Ireland could not assent to the proposition that in a settlement of this kind any such buffer should be interposed as would prevent the Irish Legislature from endeavouring to complete an admittedly incomplete institution in that country—namely, University education. One word on the subject of the Amendment. If there were no other security—and securities were piled on each other—than the general desire on the part of Ireland for a system of University education which would be satisfactory to Catholics, that desire in itself would be ample security for Trinity College. Trinity College would not be interfered with, because any attempt to interfere with it would so complicate the question and so excite religious animosity as to make it impossible for the Irish people to proceed with the question of University education. The best line for them to take would be to leave Trinity College alone and make the necessary provision outside it. That was his honest view on the subject. The right hon. Gentleman (Mr. A. J. Balfour) had asked a question. He had quoted the 1st sub-section, and had asked about endowment of religion. Well, he (Mr. Sexton) had not the slightest doubt that complete provision for University education in Ireland in a manner acceptable to Catholics might be made without endowing religion directly or indirectly. With regard to the 2nd sub-section as to imposing any disability or conferring any privilege on account of religious belief, he ventured to express the view that as Trinity College was substantially a Protestant Institution governed by a body of Protestant ecclesiastics who conducted Protestant religious services—he did

not think Catholics wanted to go as far as that—while Trinity College was so reserved, and while the Queen's Colleges were not available for the body of the Catholics of Ireland, his view was that it would be competent for the Irish Legislature under this clause to complete the provision for University education, that was to say, to establish a University Institution which Catholics would be willing to attend without directly or indirectly endowing religion or imposing any disability or conferring any privilege for religious belief, because he held that complete provision for University education in Ireland would not be effected by imposing disabilities or conferring privileges on account of religious belief, but by converting the inequality that now prevailed in Ireland with regard to University education into a general equality.

MR. GOSCHEN (St. George's, Hanover Square) : I would ask Her Majesty's Government whether, after that statement, they are better able to answer the question put to them than they were before? The Solicitor General was asked most courteously by my right hon. Friend whether, in the judgment of the Government, the Legislative Authority in Ireland will have power to establish a Denominational University side by side with Trinity College. I cannot conceive, on the one hand, that the Government should not have made up their mind absolutely on the subject; and, on the other hand, that if they had made up their mind, they should either wish or be entitled to withhold their view from the Committee. We are now in this position: that the question of danger to Trinity College depends, to a great extent, on the answer that will be given to this question. The Committee will feel that on both sides of the House we are fairly entitled to know whether the Government accept the opinion that has been propounded by the hon. Member for Kerry, that, under this sub-section, the Roman Catholics would have the power to establish a University. We ought to be told whether that power, if not expressed, is contained in the clause—

Mr. Sexton

MR. T. M. HEALY (Louth, N.) : I would ask, Sir, as a point of Order, whether on Sub-section 6 the right hon. Gentleman is entitled to ask a question on Sub-section 2?

THE CHAIRMAN : Yes ; it is.

*MR. T. W. RUSSELL (Tyrone, S.) said, that though he had differed from hon. Gentlemen opposite on the question of primary education ever since he had entered Parliament, he had always thought that Roman Catholics had a grievance so far as higher education was concerned, and in voting for this Amendment to-day he did not at all recede from the position he had hitherto occupied on that question. He held in his hand a statement by Cardinal Logue, an authority quite equal to Archbishop Walsh on this matter. His Eminence said—

"We do not want any special treatment at the hands of the Government. We want no special advantage. We want simply to be put on the same footing as the rest of our fellow-countrymen of every denomination, and, please Providence, we will continue to agitate and never cease until we have acquired for ourselves these strict rights."

That was the right of equality. Now, he (Mr. T. W. Russell) wanted to ask the hon. Member opposite (Mr. Sexton), if the Roman Catholics of Ireland were to be put on the same footing with respect to University education as the rest of the population, where, under an Irish Legislature, was the money to come from? It came to be a matter of money, and he held that this was one of the reasons, and almost a paramount reason, against Home Rule. If the Catholics of Ireland were to be on the same footing in this matter as the rest of the population, there was no way to effect it except by despoiling Trinity College of part of its revenues, and it was simply because the Irish Legislature would have the power to do that that he objected to the Bill passing in its present form. He was told that the question could be settled by the Irish Legislature by establishing a Roman Catholic College within the University of Dublin. But that would alter the whole Governing Body of Trinity College, and would do serious mischief on the Boards, and those mixed Boards had not

worked so well in the past as to make an extension of them viewed with anything like equanimity. It was a strange turn in the whirligig that this University of Dublin which opened its doors to all creeds and classes in 1873, acceding to the desires of the Radical Party of that day led by Professor Fawcett, should now be punished by the modern Radical Party because of its liberality.

*SIR A. ROLLIT (Islington, S.) said, that on the question of public education he quite approved of the interpretation of the Bill, which was that this matter of public education would be left by it to those who were locally and chiefly interested. If he had had any doubt on the question as to whether the Irish Parliament would have power to deal with this subject—if there were doubts on Sub-sections 1 and 2—the whole inference from Sub-section 3 was that the Irish Legislature would have power to establish a Catholic University or College. Legislation was prohibited which would abrogate the right to endow such an Institution. The inference from that was, that in the absence of such legislation, the right would exist; therefore, he took it that the right would exist in the Irish Parliament. Then they had heard the objection that there would be no means for that purpose. He thought those who suggested that were apt to forget the sacrifices that Roman Catholics had made for purposes of education. They had been ill-disposed at times to accept State aid, and judging from these circumstances he should think the money would be forthcoming. But while he thought that power would exist, and, under Home Rule, rightly exist, to establish such a University or College, and while it was well that the country should realise what powers Home Rule would carry with it, he had come to the conclusion, as the result of the Debate, that if this denominational legislation which might be promoted was to exist, there was the more need for retaining security for undenominational education. He hoped that, for the solution of this problem which the right hon. Gentleman on the Front Opposition Bench had approved—namely, the making of education in Ireland national, the means would

be forthcoming. He thought this absolutely necessary for the development of the intellectual resources of the country. But, at the same time, they saw in Trinity College at this moment the centre of undenominational education in Ireland, and he thought that they were bound to take securities for the maintenance of that centre. He spoke with all sympathy for those who desired denominational education, but there were some who did not desire it; and though they might be in a minority in Ireland, they were entitled to have their feelings respected. The Government admitted that principle, as they maintained that Sub-section 6 provided for the case in question, and gave the necessary security. It either did or did not. If it did, no harm would be done by rendering the fact perfectly clear. If it did not, then the Amendment was necessary. The other remedy—the veto—he regarded as, throughout the Bill, illusory. It had never been exercised for long periods in our history. It was mediæval almost in its character, and he remembered that recently, when the question even of the liberty of the subject was raised in the House in connection with the subject of Kanaka labour in Queensland, both sides of the House considered that it would be impolitic to exercise the veto.

MR. A. J. BALFOUR: I asked in a courteous manner a question of the Government a short time ago, and I trust the Debate will not be allowed to close without an answer being given to me.

MR. W. E. GLADSTONE: I am quite ready to answer the question at the proper time. We are not on the point to which the right hon. Gentleman referred at the present moment. It is not necessary to go into matters which can be discussed when the clause is put and we are dealing with the meaning of the section.

MR. A. J. BALFOUR: Of course, it is in the power of Her Majesty's Government to answer or not as they think fit. As the right hon. Gentleman is of opinion that it is on the clause that we should raise this question I will not press the matter now. I, however, will ask for an answer when the proper time comes.

Question put.

The Committee divided :—Ayes 242 ;
Noes 284.—(Division List, No. 160.)

MR. RENTOUL (Down, E.) said, he wished to move—

In page 2, line 33, after Sub-section 5, to insert "affecting the constitution, endowments, property, or privileges of Queen's College, Belfast."

This Amendment, though similar in words to the one which had just been decided, except that, instead of "Trinity College, Dublin," there were substituted the words "Queen's College, Belfast," was a modest one, and referred to a modest Institution compared with the great Institution they had been debating for the past two or three hours. There were in Ireland three Queen's Colleges endowed in exactly the same manner and standing on exactly the same footing, and he confined his Amendment to one of these, and that for a special reason. He had been a student of the three Colleges, and he must say that Queen's College, Belfast, stood on a totally different footing from the others, because it was the most fully-equipped College in Ireland for training the ministers of the Presbyterian Church ; and though this College had been the most serviceable for the amount of money laid out of any University College in the United Kingdom, it was not on that ground that he based the Amendment. His ground was the peculiar position this College occupied as the only fully-equipped Training College for the clergy of the Presbyterian Church in Ireland. Since the College was founded in 1849, 43 years ago, it had educated no less than 5,133 students, at a cost of only about £67 a head. Therefore, upon the ground of economy and cheapness as an Educational Institution, it had a very great claim to the particular consideration of the House. It had turned out some of the most distinguished men of the Empire at the present time, though it was true that, not having had a history of 300 years to go back on, it could not point to the great names which could be mentioned in connection with Trinity College. It had educated the Master of the Rolls in Ireland ; it had educated one of the most distinguished heads of the

medical profession in this country, Sir William M'Cormack ; it had educated the Minister of Finance in China ; and Sir David Barbour, the Minister of Finance in India, not to speak of a large number of the most distinguished servants of the Crown. It was also the only means or outlet through which the youth of the farming and middle class of Ulster could enter the learned professions or the higher branches of the Civil Service of the country. Therefore, its importance from all these points of view could not be over-rated. But he desired for a moment or two to dwell on the point to which he attached the chief importance, and he asked the attention of the hon. Member for North Kerry to his remarks, because he fancied it was possible that he would be able to see an amount of justice in the claim that he made, differing as it did in one very essential particular from the claim which had just been made and negatived on the part of Trinity College ; and if the hon. Member advised the Government to accept the Amendment, it might be, to say the least of it, that they would give great consideration to that advice. It was, therefore, with great confidence in his sense of fair play that he (Mr. Rentoul) made this appeal to the hon. Gentleman. Prior to 1849, as probably the hon. Member knew, there was a College in Belfast, a building now occupied by the Belfast Academical Institution, and that College was then well-equipped for the training of ministers in the Presbyterian Church of Ireland. But when the Queen's Colleges were established in 1849 the Presbyterians shut up their own College at once, seeing that a much better-equipped one was provided. They entirely gave up their own College, and turned all the students into the Queen's College, Belfast. The hon. Member to whom he had appealed, and who would probably speak for the Irish Party in this matter, would admit that in an Irish Parliament the majority of Members would undoubtedly be Roman Catholics. Supposing that the Roman Catholics constituting the Irish Parliament were as fair-minded, broad-minded, and honourable men as ever sat in any Parliament, and as he would readily grant to the hon. Member, they would have the sole control of the Training College for the

clergy of the Presbyterian Church. He asked with confidence whether that was a position in which the Presbyterian Church of Ireland ought to be placed—that the only fully-equipped Institution they had for the training of candidates for the ministry of their Church should be under the sole control of a Parliament whose Members differed from them extremely in religious matters? Even if it were granted, for the sake of argument, that an Irish Parliament would like to do nothing but justice to every Irishman, one would not like in a matter of that sort to receive even that which was regarded as justice from those who held entirely different religious views. The Presbyterians made no claim, and had never made any claim, to ascendancy, and most decidedly they had never had any ascendancy. If Roman Catholics had ever suffered disabilities, the Presbyterians had been subject to them also. Considering that a deputation from the Presbyterian Church in Ireland had been refused a hearing by the Prime Minister, it could not surely be regarded as strange that the present demand should be made upon the Committee. Feeling that the Amendment was a just and fair one, he would ask for the sympathy and concurrence even of the Nationalist Home Rulers in reference to the proposal. The Prime Minister was aware that the endowments of Queen's College, Belfast, might be classed under two heads. There was an endowment of some £7,000 a year, which came out of the Consolidated Fund. There was also an endowment of £1,600 a year, which was voted annually by Parliament, and it was with regard to this grant that fears were entertained by the Governing Body of the College. The President and Professors of Queen's College, who had put their difficulties and their doubts before him, said that whilst they thought that their own salaries and those of the various higher servants of the Institution, amounting to £7,000 a year, were quite safe, they were afraid that the grant of £1,600 a year, which was used for the keeping up of the library and museums and for heating, lighting, painting, stationery, advertising and other small matters in connection with the College, would not be voted at all by the Irish

Legislature. Without this £1,600 there would be no possibility of keeping the College going even for a single year. In view of the absolute danger in which the grant would be placed, Presbyterians desired that it should be safeguarded, chiefly on the grounds that the establishment of Queen's College led them to give up their own College, and that its dissolution would leave them practically without a College.

Amendment proposed,

In page 2, line 33, after the word "or," to insert, as a new sub-section, the words "(6) Affecting the constitution, endowments, property, or privileges of Queen's College, Belfast."
—(*Mr. Rentoul.*)

Question proposed, "That those words be there inserted."

MR. J. MORLEY: As this Amendment has been allowed to be moved, I of course accept the fact that it is in Order. Otherwise I should have supposed that the principles the Committee asserted in the last Division would have clearly covered this case, for surely everyone in the Committee will see that it would be an absurdity for us, after refusing to exclude from the purview of the Irish Legislature the Constitutional privileges and endowments of Trinity College except so far as they are already protected by Sub-section 6, to consent to the exclusion of Queen's College, Belfast. No doubt the hon. and learned Member can make a good case for the worth and the merits of Queen's College, Belfast, and I hope he will not think that I in any way fall short in my appreciation of the work that is done there. But on what ground can we, after dealing in a certain way with a great Institution like Trinity College, apply a different principle altogether to Queen's College, Belfast? If we were to accept this Amendment, why should we not also deal out special treatment to Cork and Galway?

MR. T. W. RUSSELL said, that the Chief Secretary for Ireland, whilst he might be perfectly right according to his own view, must bear in mind that there were Members of the House who specially

represented the Presbyterians of Ireland. [*Nationalist cries of "Divide!"*] Hon. Gentlemen need not be in such a hurry. He, for his part, would not have the interests of his constituents thrown to the wolves even though hon. Gentlemen might clamour for the Closure. If there had been one Institution in Ireland which had been universally condemned by the Roman Catholic hierarchy and the Roman Catholic people it had been the Queen's Colleges. Was there a Roman Catholic Bishop in Ireland who had changed his mind about the Queen's Colleges? If the Bishops still held their former views, he asked whether Ulster Members would be justified in allowing a proposal of this kind to pass without a word of comment or protest? These Colleges had been denounced as godless Institutions ever since they were established. Could anyone say that the Roman Catholic hierarchy would not denounce them in the future as they had done in the past; and would anyone deny that the Roman Catholic hierarchy would manage the Irish Legislature? It managed the Irish Members in the present Parliament, and it would manage them in the Irish Legislature. That being so, he held that his hon. Friend had been perfectly right in moving the Amendment.

Mr. CONNOR (Antrim, N.) asked the Chief Secretary for Ireland to say whether the £7,000 endowment would continue to be charged on the Consolidated Fund, and remarked, that if it were not, the Queen's Colleges would be entirely deprived of their means of living.

Mr. J. MORLEY referred the hon. Member to Section 14, paragraph D.

Question put.

The Committee divided:—Ayes 238; Noes 279.—(Division List, No. 161.)

It being after half-past Five of the clock, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again To-morrow.

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 4) BILL.—(No. 319.)

Lords Amendments agreed to.

Mr. T. W. Russell

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 8) BILL.
(No. 377.)

Read the third time, and passed.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 7) BILL.—(No. 373.)

As amended, considered; to be read the third time To-morrow.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 5) BILL [*Lords*].—(No. 394.)

Read a second time, and committed.

APPEALS (FORMÂ PAUPERIS) BILL [*Lords*].—(No. 313.)

Considered in Committee, and reported, without Amendment; read the third time, and passed.

ELEMENTARY EDUCATION (BLIND AND DEAF CHILDREN) BILL.

Select Committee on Elementary Education (Blind and Deaf Children) Bill nominated of:—Mr. Acland, Mr. Boscawen, Mr. Dixon, Mr. Edwards, Mr. Jebb, Mr. Leake, Mr. Macdonald, Mr. George Palmer, Sir Francis Powell, Mr. Spicer, and Mr. Talbot.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Five be the quorum.—(*Mr. Marjoribanks*.)

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 7) BILL.—(No. 291.)

Reported [Provisional Orders confirmed]; as amended, to be considered To-morrow.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 8) BILL.—(No. 329.)

Reported [Provisional Orders confirmed]; as amended, to be considered To-morrow.

PUBLIC PETITIONS COMMITTEE.

Fifteenth Report brought up, and read; to lie upon the Table, and to be printed.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 22nd June 1893.

SAT FIRST.

The Earl of Winton (*E. Eglintoun*),
after the death of his brother.

TOOK THE OATH.

The Viscount Bolingbroke and St.
John.

MESSAGE FROM THE THRONE.

*THE LORD STEWARD (The Mar-
quess of BREADALBANE): My Lords,
I have the honour to bear the Queen's
gracious reply to the Address presented
to Her Majesty by your Lordships pray-
ing that consent may be withheld from the
Minute of the Committee of Council on
Education in Scotland relating to second-
ary education, dated May 1st, 1893.
In her reply, Her Majesty informs your
Lordships that

"I have received your Address praying that
consent may be withheld from the Minute of
the Committee of Council on Education in
Scotland relating to secondary education, dated
May 1st, 1893. The matter on which you have
expressed a wish has been duly considered by
My Committee of Council on Education in Scot-
land, and the provisions of the Minute have had
their further careful attention. The Committee
are of opinion that it is expedient that action
should be taken in accordance with the Minute
in its present form. If they should come to the
conclusion that, in the due discharge of the duty
intrusted to them by Parliament, they can
hereafter propose any alterations in its pro-
visions which would conduce to the greater
benefit of secondary education in Scotland, such
alterations will be duly laid before you."

RIVERS POLLUTION PREVENTION

(No. 2) BILL.—(No. 146.)

SECOND READING.

Order of the Day for the Second Read-
ing, read.

VISCOUNT CROSS: My Lords, I
am afraid I troubled your Lordships with
a short statement upon this Bill when I
asked for a First Reading for it some
little time ago. That being so, I do not
think it necessary that I should occupy
your Lordships' time on the present occa-
sion unless I am required to give an

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answer to any observations which noble
Lords may make.

Moved, "That the Bill be now read 2^a."
—(*The Viscount Cross*.)

Motion agreed to; Bill read 2^a accord-
ingly, and committed to a Committee of
the Whole House on Tuesday next.

STATUTORY RULES PROCEDURE BILL.

(No. 139.)

SECOND READING.

Order of the Day for the Second Read-
ing, read.

LORD MACNAGHTEN, in moving
the Second Reading, said this Bill had
passed the other House. Its object was
that when Rules were made under the
authority of Statute relating to any
Court or procedure, they should at first
be published in draft in order that they
might be fully considered before they
were settled.

Moved, "That the Bill be now read 2^a."
—(*The Lord Macnaghten*.)

THE LORD CHANCELLOR (Lord
HERSCHELL): My Lords, I understand
that some question was raised in the
other House upon certain points; and as
Amendments will no doubt be proposed,
I would suggest to the noble Lord that
an opportunity should be given for
Amendments to be brought forward
before the Bill is really considered.

LORD ASHBOURNE: My Lords, I
have read the Bill, and I do not dissent from
or oppose the Second Reading at all;
but I am glad to hear that it is under
consideration to make some amendments,
for I am sure great complications will
arise unless arrangements are made for
the Rules to come into operation without
delay. I am not prepared to give any
notice of amendment at present, but I
think some amendment will be required.

Motion agreed to; Bill read 2^a accord-
ingly, and committed to a Committee of
the Whole House.

PRISON (OFFICERS' SUPERANNUATION)

(No. 2) BILL.

SECOND READING.

Order of the Day for the Second Read-
ing, read.

THE LORD CHANCELLOR: My
Lords, the object of this Bill is to make

certain amendments in the Prisons Act in reference to the pensions of retiring prison officials. The main purpose I can describe to your Lordships in a moment. Under the Prisons Act any existing officer of a prison who retained his office after the passing of that Act was entitled to his pension upon the basis on which he was then entitled to it. I can give an instance—the case, indeed, which first called attention to the defect in the Act. Admiral Fairfax had been for a number of years Governor of Prisons. On the passing of the Prisons Act he was promoted to be Inspector of Prisons, and he has served in that capacity for many years—ever since the passing of that Act. But, because he has not been an officer of a prison, having been promoted to be Inspector of Prisons, he is not entitled to the same pension as he would have been had he retired immediately on the passing of the Act when he ceased to be Prison Governor. He is in a worse position, after all these years of service, because he has been promoted. It is obvious that was not the intention of the Statute, and this Bill is to remedy the oversight. There are one or two minor Amendments to which your Lordships' attention need not specially be called which will really only put the matter in the position it was intended to be.

Moved, "That the Bill be now read 2^a."
—(*The Lord Chancellor*.)

VISCOUNT CROSS : As the author of the existing Act, I may say that I most heartily approve of the Bill now introduced. It was never intended that such a thing as this should happen, and it is quite clear an anomaly of that kind should be done away with. But there is one matter which I think requires the consent of the Government. One of the main objects of the Act was to make the whole prison service one under it. Formerly, of course, a Governor might have been employed in one county for a number of years, and then, if he was appointed in another county, that was counted as absolutely a fresh service, and he had no claim for the first period in the other county. So that one of the main purposes of the Act was to make it one continued service—that it should make no difference where the official served, but that he should count for his pension the number of years he

The Lord Chancellor

had served under the Government. I believe that by some construction of the Act by the Treasury this has happened: that a man has been employed as an assistant prison officer, not as Governor but as Assistant Governor, in a large gaol where two officers were necessary. But when he was promoted to the rank of actual Governor he could not count his time as Assistant Governor, because he had entered into a new service. That is a matter into which it is, I think, necessary some inquiry should be made, because I am sure that was never intended. I am quite sure the noble Lord opposite in drawing the Act never contemplated such a result. It seems to me very hard that, because a man gets promotion in his service from Assistant Governor to Governor of a prison, he should lose the advantage of his former period of service in counting pension.

THE LORD CHANCELLOR : Certainly the point shall receive my attention.

Motion agreed to ; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Thursday next.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 4) BILL

(No. 126.)

Report from the Committee of Selection, That the Lord de Ros be proposed to the House as a Member of the Select Committee on the said Bill in the place of the Lord Fingall (*E. Fingall*) ; read, and agreed to.

EDUCATION PROVISIONAL ORDER CONFIRMATION (LONDON) BILL [H.L.].—(No. 94.)

Report from the Committee of Selection, That the Lord de Ros be proposed to the House as a Member of the Select Committee on the said Bill in the place of the Lord Fingall (*E. Fingall*) ; read, and agreed to.

APPEALS (FORMÂ PAUPERIS) BILL [H.L.].

Returned from the Commons agreed to.

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 4) BILL.—(No. 124.)

Returned from the Commons with the Amendments agreed to.

LOCAL GOVERNMENT PROVISIONAL ORDER (No. 4.) BILL.—(No. 115.)

Returned from the Commons with the Amendments agreed to.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 5) BILL.—(No. 78.)

Returned from the Commons with the Amendments agreed to.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 9) BILL.—(No. 116.)

Returned from the Commons with the Amendments agreed to.

PIER AND HARBOUR PROVISIONAL ORDERS (No. 4) BILL.—(No. 129.)

Returned from the Commons with the Amendments agreed to.

GAS ORDERS CONFIRMATION (NEWENT, &c.) BILL [H.L.].—(No. 84.)

Amendments reported (according to Order), and Bill to be read 3^a Tomorrow.

GAS ORDERS CONFIRMATION (BROM-YARD, &c.) BILL [H.L.].—(No. 85.)

Read 3^a (according to Order), and passed, and sent to the Commons.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 10) BILL.—(No. 140.)

Read 3^a (according to Order), and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 11) BILL.—(No. 141.)

Read 3^a (according to Order), and passed.

**LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 3) BILL.
(No. 113.)**

Read 3^a (according to Order), and passed.

WATER PROVISIONAL ORDERS (No. 1) BILL.—(No. 136.)

Read 3^a (according to Order), with the Amendments, and passed, and returned to the Commons.

**VOLUNTARY CONVEYANCES BILL
[H.L.].—(No. 148.)**

Commons Amendment considered (according to Order), and agreed to.

RAILWAY SERVANTS (HOURS OF LABOUR) BILL.—(No. 73.)

Read 3^a (according to Order), with the Amendments, and passed, and returned to the Commons.

**WEIGHTS AND MEASURES BILL.
(No. 112.)**

Read 3^a (according to Order), and passed.

DUCHY OF CORNWALL BILL.—(No. 145.)

Read 3^a (according to Order), and passed.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 7) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 168.)

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 8) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 169.)

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDER (No. 9) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 170.)

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 7) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 171.)

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 8) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 172.)

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 12) BILL.

Brought from the Commons; read 1^a; to be printed; and referred to the Examiners. (No. 173.)

LOCAL GOVERNMENT PROVISIONAL ORDER (No. 17) BILL.

Brought from the Commons ; read 1st ; to be printed ; and referred to the Examiners. (No. 174.)

House adjourned at twenty minutes before Five o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 22nd June 1893.

MESSAGE FROM THE LORDS.

That they have agreed to—Local Government Provisional Orders (No. 2) Bill.

NEW MEMBER SWORN.

William Williams, esquire, for the Swansea Division of Boroughs.

PRIVATE BUSINESS.**LONDON, DEPTFORD, AND GREENWICH TRAMWAYS BILL.****CONSIDERATION.**

DR. FARQUHARSON (Aberdeenshire, W.) moved—

"That, in the case of the London, Deptford, and Greenwich Tramways Bill, Standing Orders 84, 214, 215, and 239 be suspended, and that the Bill be now taken into consideration, provided amended prints shall have been previously deposited."

MR. A. C. MORTON (Peterborough) said, he did not know whether he ought to object to the Standing Orders ; but he was going to object to the consideration of the Bill.

DR. FARQUHARSON intimated that he would defer the consideration of the Bill till to-morrow.

Further Proceeding on Consideration, as amended, stood adjourned until To-morrow.

PROVISIONAL ORDER BILL.**LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 17) BILL.—(No 376.)****THIRD READING.**

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. BALLANTINE (Coventry) said, one part of this Bill related to a sewage scheme for the City of Coventry, and the other part to some scheme for the water supply of a Lancashire town. Since the Second Reading the Bill had been entirely transformed, by the omission from it of the Coventry Scheme, in accordance with a pledge given by the President of the Local Government Board. In face of that pledge it was useless for him to do what he had desired to do—namely, to move the re-committal of the Bill ; but, at all events, he was in a position to do this : protest very earnestly against the course that had been taken. This matter was most important to every town in England, for it showed conclusively that the Local Government Board had no power whatever to give effect to its own Provisional Order, and that a Provisional Order could only acquire validity by the fact that it was unopposed. Coventry had been placed in a most impossible position by the action of the Local Government Board. In August, 1892, an injunction was obtained against the Corporation for polluting a river in the neighbourhood by its sewage, prohibiting them from using that system of sewage for the future, and an order of sequestration was made against the Corporation upon that injunction. This order of sequestration was suspended for a year, until August, 1893, in order to give the town an opportunity of framing a new system of drainage. The Corporation immediately instructed the best engineer they could secure to frame a scheme, and this scheme was submitted to the Local Government Board, and a Provisional Order applied for. The Local Government Board sent down an Inspector to hold an inquiry at Coventry. This inquiry extended over nine days ; it involved the Corporation in enormous ex-

pense, and at it were represented the opponents to the Bill, the chief of whom was Lord Leigh, whose property was in the neighbourhood of the proposed irrigation farms. Every conceivable argument was used by the able counsel whom his Lordship retained to point out every possible objection to the scheme; but, in the result, the Local Government Board gave their sanction to it, and brought in a Bill for the purpose of giving effect to it. This Bill was backed by the President and the Secretary to the Local Government Board, and the town supposed that the fight would be conducted by the Local Government Board; and, therefore, took no part in it whatever. The Second Reading came on; and the unusual course was taken of moving an Amendment to the Second Reading. The President of the Local Government Board, observing on that occasion that there was opposition to the Bill, did not make any very serious resistance, and began his speech by assuring the opponents of the Bill that if there was an adverse vote to the Coventry Scheme he should not consider it any reflection upon himself or his Department; and he concluded by offering to the opponents of the measure a very easy way out of their dilemma. He pointed out that as the Bill comprised two Provisional Orders a vote against the Coventry Scheme would wreck them; and he consequently suggested to the Mover of the Amendment that he should move the Adjournment of the Debate, stating that if that Motion were agreed to he would accept it as the sense of the House adverse to the Coventry Scheme. The Mover of the Amendment eagerly accepted this way out of the difficulty, made his Motion; and the President of the Local Government Board—although it was his own Bill to give effect to a Provisional Order, granted after an exhaustive inquiry of nine days—did not challenge a Division. As Member for the Division, he (Mr. Ballantine) might have challenged a Division; but, as the right hon. Gentleman had taken the fight entirely to himself, he and his Colleagues had no notice that they were expected to fight it, and if he had challenged a Division, what purpose would it have served in face of the fact that the right hon. Gentleman had deserted him, and the Division would

have been, in these circumstances, an utterly unfair one. What now was the position of the town of Coventry? It certainly had not been encouraged to ask for another Provisional Order or Scheme in face of this experience; and it was quite obvious that in any scheme that it did propose it was a condition that lands should be obtainable for the scheme without opposition, and that no influential person should reside in the neighbourhood. He considered it was a monstrous position that this city, after trusting its interests to the Local Government Board and implicitly following the directions of that Board for a year, at the end of that period should find itself without a scheme at all after the expenditure of several thousand pounds, and with a sequestration order hanging over their heads to come into operation in August. He would ask the President of the Local Government Board to point out some mode by which the town might be indemnified for the expenditure it had incurred, not through any failure of its own, but of the Local Government Board, and that it would be offered some safeguard or protection against the action of the law.

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. H. H. FOWLER, Wolverhampton, E.): The hon. Member has taken the rather unusual course of making an attack upon the Local Government Board with reference to the procedure of this Bill upon the Third Reading instead of making it upon the Second Reading. He has, I think, quite unintentionally, made several serious misrepresentations, and I think it necessary in the interests of Coventry that I should explain exactly what is the position of the Local Government Board, and what the powers and duties of the Coventry Urban Sanitary Authority are. So far as I can make out, they do not themselves understand them. The position of the Bill is not owing to a pledge I gave. I gave no pledge whatever in any way involving the Local Government Board; but I indicated to the House of Commons a mode of expressing their opinion on one part of the Bill as to which they felt strongly without expressing their opinion on another part in which they took no interest whatever; and I think I was only carrying out my duty to the House and to the Department

in pointing out that mode of procedure. I would remind my hon. Friend that the House of Commons is supreme over the Local Government Board as well as supreme over the Corporation of Coventry. He says that a Provisional Order is absolutely worthless if it is opposed. I venture to tell him precisely the contrary. There have been several Provisional Orders of the Local Government Board opposed this Session; they have been discussed before the proper tribunal—namely, a Committee of the House of Commons upstairs; and the Committee have supported the decision of the Local Government Board after hearing the evidence, and have made the Provisional Orders. This is a case in which the House chose to take the matter into its own hands. I remember—as those who were present will recollect—that I strongly protested against the House so doing; and I went so far, when I suggested the course I did with reference to the adjournment, as to say that if the House went to a Division I should vote against it, and yet the hon. Member now says I deserted the Bill. It was his duty to have taken a Division on the Adjournment, and not that of the Local Government Board. The little experience I have had of this House enables me, to some extent, to fairly gather its opinion; and observing from different quarters of the House, and from every section in it, that if the promoters of the Provisional Order challenged a Division they were sure to be ignominiously defeated, I thought my hon. Friend had exercised a wise discretion in not putting the House to the trouble of a Division. No doubt the town of Coventry is in a difficult position, and they wish for the assistance of the Local Government Board in extricating them from that position. They have had two alternative schemes before them. It was, as I told the House, with the greatest reluctance and considerable doubt that I made the Provisional Order approving of this scheme. On the whole, I thought it the best; and when the House of Commons see fit to think otherwise, it is not my business to comment on the decision of the House, in saying that on public grounds—and not upon the private grounds to which the hon. Member alluded—they will not approve of it. Under these circumstances, I think the

City of Coventry will now have recourse to the alternative scheme, on behalf of which some very valuable evidence has been adduced, and which has a great deal to recommend it. Strongly as I am attached to these Provisional Orders, and anxious as I am to see them extended, believing they afford the true solution of the difficulty that is coming fast upon us in consequence of the pressure of Private Business, I must protest against the attempt to bring the Department having charge of these Provisional Orders into conflict with the House of Commons. If the Provisional Order system has any value, and is to be upheld and maintained, it must be subject to the supremacy of the House; and the House itself will never part with that power, and hand it over to any Department. I think last year we passed 90 Provisional Orders of the Local Government Board, of which only three were disputed, so that the House will see this is a very valuable and cheap mode of procedure. It is not the duty of the Local Government Board to spend public money in defending what are called their own Provisional Orders. They make the Provisional Order for the benefit of the Local Authority; the Local Authority has been saved all the expense, delay, and trouble of the preliminary procedure of a Private Bill; and the moment the Provisional Order becomes a disputed Order then the promoters, be they a Corporation or any other Local Authority, are put in precisely the same position as if they had introduced the Bill and they have got to defend the Provisional Order and to pay the costs of defending it. Under these circumstances, I think no blame attaches to the Local Government Board. We have done our best in the circumstances of the case; and it is not for me, as President of that Department, to challenge the decision of the House of Commons.

*SIR C. W. DILKE (Gloucester, Forest of Dean) said, he could not but think the right hon. Gentleman did, quite unwittingly, deal somewhat of a blow to the Provisional Order system by suggesting to the House of Commons that they should accept a Motion for Adjournment as a defeat of one of the clauses contained in the Bill. The House of Commons was so inclined to accept Motions for the Adjournment of Private Business, so few

hon. Members had a real interest in Private Business, and they were so anxious to get to questions that in the buzz of conversation which always took place during Private Business, Motions for Adjournment were jumped at by the House.

MR. H. H. FOWLER : If the Motion had not been carried, and the House of Commons had rejected the Bill, a most valuable Provisional Order respecting the water supply of a large district in Lancashire would have been rejected.

SIR C. W. DILKE said, he quite understood the effect of taking the course which was taken. He would point out that nothing but the very stoutest resistance by the Department concerned would ever save a Bill when the great private influences were brought to bear which were brought to bear on the occasion when this Bill was previously before the House. It was notorious that on that occasion the Government Whips were practically whipping against what was a Government Bill.

MR. H. H. FOWLER : I know nothing about that.

SIR C. W. DILKE said, he was aware the right hon. Gentleman did not know of it; but that was the case. The hon. Member for Coventry had on this occasion a real grievance. One point made against the hon. Member was that he did not divide the House, as he ought to have done. That certainly was a fatal mistake on the part of the hon. Member. He (Sir Charles Dilke) happened to be the only Member of the House who challenged a Division. The Government Whips were anxious he should not do so a second time; and as the hon. Member for Coventry did not challenge a Division, he (Sir C. W. Dilke) did not do so the second time. If whenever a Private Bill was opposed which contained two or three Provisional Orders, a Motion for the Adjournment was to be made so lightly after a strong and excellent defence of the scheme such as the right hon. Gentleman had made in his first speech on this Bill, he was bound to say the result would afterwards be that the Provisional Order would be defeated, and it would make Corporations chary of resorting to the Provisional Order system on occasions of this kind.

Motion agreed to.

Bill read the third time, and passed

QUESTIONS.

THE VENTILATION OF THE HOUSE OF COMMONS.

MR. H. HOBHOUSE (Somerset, E.): I beg to ask the First Commissioner of Works if he has noticed some remarks made by Sir Douglas Galton at a recent meeting of the Society of Arts with regard to the ventilation of the House of Commons, in which he says that they take great pains, and incur great expense, to purify their air. They then pass that air through a perforated floor, which Members take very good care to cover with manure and dirt from the streets brought in by their boots, and then they breathe this re-polluted air, and they complain of lassitude after they have been occupying the place for a certain number of hours; and whether the facts as stated are correct; and, if so, if the Authorities of the House can devise some means of saving the purified air from being re-polluted?

THE FIRST COMMISSIONER OF WORKS (Mr. SHAW LEFEVRE, Bradford, Central): The question raised by Sir Douglas Galton, which does not appear to have occurred to him when he was the professional adviser of the Office of Works, is not, I think, of much practical importance. When the distance of the House of Commons from the public streets, and the number of mats for the use of Members are taken into consideration, it may fairly be assumed that but little "manure and dirt" reaches the perforated floor covering of the Chamber. In any case, the floor covering is taken up and thoroughly cleaned, and steamed once a week, and the ventilating chamber immediately under the House is thoroughly dusted every day. It will, therefore, be seen that the chance of the air which passes through the perforated floor being polluted in its passage is but very small indeed. If hon. Members after long hours of sitting in this House suffer from lassitude, it is not, I think, due to the cause referred to by Sir Douglas Galton.

THE BENGAL GANJA COMMISSION.

MR. CAINE (Bradford, E.): I beg to ask the Under Secretary of State for

India if he is now able to state the composition of the Bengal Ganja Commission?

*THE UNDER SECRETARY OF STATE FOR INDIA (Mr. G. RUSSELL, North Beds.): I told my hon. Friend on the 12th instant that we hoped this matter would be settled by the end of the month. If we have not received the information by that time it will be telegraphed for.

THE MAHARAJA OF GWALIOR.

MR. CAINE: I beg to ask the Under Secretary of State for India when it is intended to confer full powers of Government on His Highness the Maharaja of Gwalior State?

*MR. GEORGE RUSSELL: The Secretary of State has no knowledge of the intentions of the Government of India in this matter; and, as His Highness is only 16 years old, considers it premature to communicate with the Government of India on the subject at present.

THE MILITARY CONTRIBUTION OF THE STRAITS SETTLEMENTS.

SIR T. SUTHERLAND (Greenock): I beg to ask the Chancellor of the Exchequer whether he is aware that, since the imposition of a military contribution of £100,000 per annum on the Straits Settlements, the annual Revenue of the colony has seriously declined, there being a deficit in 1891 of 772,375 dollars, equivalent to £110,300 sterling, and in 1892 of 627,297 dollars, while the estimates for 1893 show a deficit of over £700,000 dollars; and whether, under these circumstances, the Government will consider the advisability of reducing the said military contribution?

THE CHANCELLOR OF THE EXCHEQUER (Sir W. HARCOURT, Derby): The matter is under consideration.

THE VERDERERS OF THE NEW FOREST.

MR. JACKSON (Leeds, N.): I beg to ask the Secretary to the Treasury whether he has any objection to lay upon the Table of the House copies of the Correspondence between the Commissioners of Woods and the Verderers of the New Forest with reference to the Forest Clauses in the Crown Lands Bill?

THE SECRETARY TO THE TREASURY (Sir J. T. HIBBERT, Oldham):

Mr. Caine

I shall be pleased to give the Return asked for by my right hon. Friend.

INCOME TAX COMMISSIONERS.

MR. COBB (Warwick, S.E., Rugby): I beg to ask the Chancellor of the Exchequer whether he is aware that in June, 1890, in consequence of representations made by the hon. Member for the Rugby Division, the Board of Inland Revenue gave instructions that the additional Commissioners for Income Tax at Rugby (who were tradesmen in that town) should not be summoned to any meeting relating to Income Tax assessments, and thus practically put an end to their appointment; whether it is a fact that there are similar additional Commissioners, all of whom are tradesmen at Warwick, who now have access to all the private Income Tax Returns of the taxpayers at Kineton; and whether the Board of Inland Revenue will in this case give similar instructions to those which were given at Rugby, and so put an end to this practice of allowing tradesmen to look into the private affairs of fellow tradesmen with whom they are in competition?

SIR W. HARCOURT: The Board of Inland Revenue have no power to give such instructions, and they gave no instructions in the Rugby case. The hon. Member should communicate with the General Commissioners of Income Tax for the district. I would refer him to an answer given to him by my predecessor on the 24th of June, 1889. The real truth is that these Income Tax questions are not in the hands of the Government, but are under the control of the Income Tax Commissioners.

MR. COBB: But was not this instruction given long after 1889?

SIR W. HARCOURT: I am informed that the Board of Inland Revenue never gave any such instructions at all.

THE LANCASHIRE MINERS' FEDERATION.

BARON HENRY DE WORMS (Liverpool, East Toxteth): I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to a Circular issued to the miners in St. Helen's district by Mr. Thomas Glover, J.P., miners' agent, in which he says that, having received

power from the Lancashire Miners' Federation to force all non-union men into the Union, the power being granted two months ago, and all the men not having yet joined, the St. Helen's district has decided to give those men who are still out of the Union until the 24th day of June to join; and if all have not joined by that date notice will be given to all the collieries where non-union men are employed for the purpose of stopping against them; that all those who are in the Union and belong to any other district must bring their cards of membership, as there will be men appointed to look at the cards once a month, and if any member is found going bad he will be warned of the same, and have to pay up at once; whether he is advised that such threatening notices are legal; and, if not, whether he proposes to take any, and what, action in the matter; and whether he is aware that these threatening notices are signed by Mr. Glover with the initials J.P. after his name, he having been recently appointed a Borough Magistrate?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): My attention has been called to the Circular. I am advised that there is nothing illegal in its terms, and I do not propose to take any action in the matter. The Circular in question is signed by Mr. Glover, but not with the initials J.P. after his name. It appears, however, that in a previous Circular Mr. Glover did append these letters to his name. I cannot suppose that any reader of the Circular would imagine that Mr. Glover was purporting to act in a magisterial capacity; but Mr. Glover informs me that he thinks—and I agree with him—that in affixing designation to such a document he made a mistake, which he assures me will not occur again.

BARON H. DE WORMS: Then am I to understand that the Circular was not illegal, and that the Magistrate was warranted in issuing it with the addition to his name of the letters "J.P."?

MR. ASQUITH: I am advised that there was nothing illegal in the Circular. As a fact, the Magistrate did not append to his name the letters "J.P."

BARON H. DE WORMS: But it is admitted that he did do so in the case

of a previous letter which was exactly in the same terms?

MR. ASQUITH: It was not in the same terms.

BARON H. DE WORMS: I have seen the Circular.

MR. LEGH (Lancashire, S.W., Newton): May I ask the Chancellor of the Duchy of Lancaster if Mr. Glover is one of the Magistrates recently appointed by him?

[The question was not answered.]

WELSH COUNTY COURT JUDGES.

MR. BRYN ROBERTS (Carnarvonshire, Eifion): I beg to ask the Secretary of State for the Home Department whether he is aware that, at a County Court held last Saturday at Aberystwith, at the commencement of business, Judge Beresford allowed a solicitor, who constantly practises before him, to make a speech of some length, in which he protested against the removal of Judge Beresford from that Circuit on account of his ignorance of Welsh, testified to the admirable qualities of the Judge who was listening to him, and trusted that the Judge would make strong representations to the Lord Chancellor to prevent his removal; that, at the conclusion of the speech, another solicitor, also practising at the same Court, made a speech, in which he endorsed the remarks of the previous speaker, and testified to the universal popularity of the presiding Judge; whether he is also aware that, afterwards, an English gentleman, named Gibson, totally ignorant of Welsh, rose and, alleging that he represented the public, made a speech in further protest against the removal of the Judge; and that, finally, the Judge himself made a speech in which he briefly thanked the speakers, and said that he would make the representations asked, and that he should be glad if the proposed change were not persisted in; and whether the Welsh gentlemen, representing the Welsh-speaking public, will be permitted to attend at subsequent Courts on Judge Beresford's Circuit to express their views as to the desirability of his removal?

MAJOR JONES (Carmarthenshire, &c.): Before the right hon. Gentleman answers that question, may I ask him if it is not a fact that at least 80 per cent.

of the population in this Judge's Circuit is a Welsh-speaking population, and would it not be in the interest of justice that the Judge should be acquainted with the language?

MR. ASQUITH: I believe the fact is as stated by my hon. Friend. As to the question on the Paper, I have written to Judge Beresford with reference to the statements contained in this question; but I have not at present received an answer. I would remind my hon. Friend that I have no control over, or authority to interfere with, the conduct of a County Court Judge, or to say what gentlemen should be allowed to address him while sitting as a Judge. Any complaint of the conduct of a Judge should be made to the Lord Chancellor, and when I receive an answer from Judge Beresford it will be my duty to lay it before the Lord Chancellor.

MR. W. JOHNSTON (Belfast, S.): Can the right hon. Gentleman say what would have been the result had this taken place in Ireland?

[The question was not answered.]

PATENT FEES.

MR. PARKER SMITH (Lanark, Partick): I beg to ask the President of the Board of Trade whether the Register of Patent Agents is a register kept under "The Patents, Designs, and Trade Marks Act, 1883," as amended by Section 27 of "The Patents Act, 1888;" if so, why the recent Report of the Controller General of Patents does not contain an account of the fees received upon that register, in accordance with Section 102 of the Act of 1883; and, if not, why the Report contains a paragraph on the subject of the register?

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside): The Register of Patent Agents is kept under the provisions of Section 1 of the Patents Act, 1888. This Act is incorporated with the Patent Acts, 1883. The Report of the Comptroller General of Patents does not contain an account of the fees received upon the register, because he has no control over their receipts or expenditure. The paragraph referred to was inserted in his Report because, under Sub-section 3 of Section 1 of the Act of 1888, the Board

of Trade are charged with the duty of deciding upon the claims of persons to registration.

MORTON NATIONAL SCHOOLS.

MR. PICTON (Leicester): I beg to ask the Vice President of the Committee of Council on Education whether the Education Department will take steps to prosecute any of the surviving parties to the frauds discovered in connection with the accounts of the Morton National Schools?

THE VICE PRESIDENT OF THE COUNCIL (Mr. ACLAND, York, W.R., Rotherham): The Department is making further inquiries into this case. If it should appear that there are grounds for placing the matter in the hands of the Public Prosecutor for his investigation, I will lay the matter before him.

THE AGRICULTURAL LABOUR MARKET.

MR. H. HOBHOUSE (Somerset, E.): I beg to ask the President of the Board of Trade, in view of the lack of information concerning the agricultural labour market in the last number of *The Labour Gazette*, what steps, if any, he proposes to take to obtain information on that point similar to that given about other trades, with a view to publication in the next and succeeding issues of the paper?

MR. MUNDELLA: The importance of obtaining information as to agricultural labour has not been overlooked by the Labour Department. They are collecting material for trustworthy reports on the subject which will appear in future issues of *The Labour Gazette*.

SIR J. GORST (Cambridge University): May I ask the right hon. Gentleman if he is taking any steps to secure information on this subject from persons other than political agitators?

[The question was not answered.]

THE CASE OF ALEXANDER FRASER.

DR. FARQUHARSON (Aberdeenshire, W.): I beg to ask the Secretary for Scotland whether his attention has been directed to the case of Alexander Fraser, who has been for upwards of 53 years road foreman in the service of the County of Aberdeen at Peter Culter, and performed his duties with conscientious

fidelity on a weekly wage of a little under £1 a week; whether he is aware that Fraser has now been compelled, at the age of 83, to retire on account of serious illness, which renders him unable to support himself and his wife, and that, after repeated applications, he has been refused any assistance in the shape of grant or pension by the County Authorities; and whether anything can be done to save this old couple from ending their days in the workhouse?

*THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton): My attention was directed to the case referred to by a private gentleman, and I informed my correspondent that upon his statement of the facts it would seem a suitable case for any assistance that could properly be granted. The matter is one for the County Council to decide, and I have no power of interfering; but I have written to communicate with them on the matter and ask whether they have any remarks to make.

TELEGRAPHIC COMMUNICATION BETWEEN MAURITIUS AND ZANZIBAR.

MR. CAINE: I beg to ask the Under Secretary of State for India if it is true that the Secretary of State for India has placed upon the Indian Revenues a charge of £10,000 a year for 20 years, as a contribution towards a telegraph cable between the Mauritius and Zanzibar; and if he is aware that the entire export and import trade between India and the Mauritius is steadily decreasing, and only amounted last year to a total of about £110,000; if so, upon what ground is India to be called on to contribute this heavy subsidy for the working of a telegraph cable which will be of no direct commercial value to India, and from an island which has no dependence, for any purpose of military or naval administration, upon the Indian Government?

*MR. G. RUSSELL: The answer to the first question is, Yes. (2) The statistics of trade do not show a steady decrease. The exports and imports in 1891-2 amounted to a total of 2,870,000 tons of rupees, not to about £110,000. The construction of the cable was recommended in the interests of India, and mainly on strategic grounds, by a De-

partmental Committee of Inquiry which reported in March, 1891, after full consideration.

THE CASE OF MRS. G. SAUNDERS.

MR. A. C. MORTON (Peterborough): I beg to ask the Under Secretary of State for India whether any Correspondence has passed between the Government of Madras and Her Majesty's Government relating to the Memorial of Mrs. G. Saunders, who claims a sum of money for professional services rendered by her late husband, H. B. Saunders, to the first Prince of Arcot; and whether such Memorial and Correspondence can be laid upon the Table of the House?

MR. G. RUSSELL: The answer to the first question is, Yes. The Secretary of State has no objection to the Papers being laid on the Table if moved for.

OFFICERS' TRAVELLING ALLOWANCES FOR INDIA.

MR. HANBURY (Preston): I beg to ask the Under Secretary of State for India whether it is intended to make any revision of the scale of allowances hitherto made to officers of the Army for passage money to England on public duty, in consequence of the continued depreciation of silver; whether the allowance is now 100 rupees below the lowest sum for which the journey can be made by steamship; and whether meanwhile officers travelling on public business are out of pocket to this amount?

MR. G. RUSSELL: An officer proceeding to England on duty is entitled to a free contract passage, and if he draws the passage allowance instead he does so of his own free will. The Secretary of State will consult the Government of India as to the financial results of the present rates; but he cannot undertake to make any revision which will increase the annual charge for the conveyance of these officers.

THE COST OF THE "BONAVENTURE."

MR. HANBURY: I beg to ask the Secretary to the Admiralty whether it costs more to build similar vessels at one Government Dockyard than another; whether it is the fact that the *Bonaventure*, built at Devonport, has cost more than the sister ship the *Fox*, constructed at Portsmouth; whether this is due to the absence of proper plant at

Devonport, or to what other cause; and whether steps are being taken to remove the causes of this difference?

MR. GOURLEY (Sunderland): At the same time, may I ask whether the *Bonaventure*, recently built at Devonport, cost £6,000 more than a sister ship, the *Fox*, constructed at Portsmouth; if so, can he state who is responsible for so large a difference—the Board of Admiralty, Naval Constructor, or the superintending Director of Dockyards?

THE SECRETARY TO THE ADMIRALTY (Sir U. KAY-SHUTTLEWORTH, Lancashire, Clitheroe): The *Bonaventure* and *Fox* are both in an incomplete state. The former was launched on 2nd December, 1892, and the latter on the 15th instant. Consequently, more money has been expended on the former up to the present time. When complete the *Bonaventure* should cost more than the *Fox*, owing to the former being fitted as a flag ship, whereas the latter is not to be so fitted. There is no absence of proper plant at Devonport, and no cause exists why vessels should not be produced as cheaply there as at any other Dockyard, although, from various causes, there is sometimes a difference in the cost of similar vessels built at different yards.

RURAL POSTMEN'S JOURNEYS.

MR. BUCKNILL (Surrey, Epsom): I beg to ask the Postmaster General whether he is aware that rural postmen have frequently to carry bags weighing with their contents as much as 35lbs. for distances equal to four miles out and four miles home, and to make other daily journeys with letters; and whether, considering the heavy weights and distances mentioned, he is prepared to give some measure of relief to these hard-worked public servants, particularly during the summer months?

THE POSTMASTER GENERAL (Mr. A. MORLEY, Nottingham, E.): I am aware that there are cases such as those referred to by the hon. Member. 35lbs. was fixed as the maximum to be carried by rural postmen. It is well understood that whenever the weight carried exceeds that amount assistance is to be provided; and any application for relief receives immediate attention. I shall be glad to know of any particular cases which the hon. Member may have in mind.

Mr. Hanbury

ADMIRALTY CONTRACTS WITH FOREIGN MANUFACTURERS.

COLONEL HOWARD VINCENT (Sheffield, Central): I beg to ask the Secretary to the Admiralty what steps were taken in placing with foreign manufacturers and workmen the Government orders referred to in Return 206 (Contracts with Foreigners, 1892-3)—namely, for £19,520 worth of armour-piercing projectiles; £886 worth of chairs; and £8,928 worth of preserved provisions; as also the recent order for £19,000 worth of Sheffield shells, to insure that such wages were paid by the contractors as are generally accepted as current for competent workmen, in accordance with the Resolution of the late Administration; and if, in calculating the nominal saving by sending such orders to foreigners while Englishmen are without employment and are reported by the official correspondents in many places to be suffering greatly, the cost to the relief funds of Public Bodies and Trades Unions, as also to individual means of artisan existence, imposed by the Government displacement of home labour, was taken into account?

SIR U. KAY-SHUTTLEWORTH: Only one order (not two orders) for armour-piercing projectiles has been given to a foreign manufacturer this year—namely, that dated February 28, 1893, amounting to £19,520, which is included in the Return No. 206. The question as to regulating wages paid abroad was dealt with in the Debate of the 14th March last (see *Parliamentary Debates*, Vol. X., No. 1, p. 70) by the Chancellor of the Exchequer. As regards the last part of the question (as to steps being taken in the interest of certain individuals and Trade Unions to prevent the purchase of goods abroad), I cannot do better than refer the hon. Gentleman to the reply which the First Lord of the Treasury gave on the 3rd February, 1893—namely,

“The Legislature has by a series of Acts made careful provision that the whole of the community shall have free access upon equal terms to all products whatever, in whatever country produced; and it appears to me that those Acts of the Legislature are presumably a guide for the Executive Government. It would be a singular step for an Executive Government, on its own discretion, to allow the course of legislative precedents to be infringed.”

COLONEL HOWARD VINCENT : May I ask if the principles which are set forth in that statement are those which guide the Government in these matters ?

SIR U. KAY-SHUTTLEWORTH : I read that statement in answer to the last paragraph of the question. Admiralty action is based on general considerations.

COLONEL HOWARD VINCENT : But those are the principles which guide the Admiralty in placing contracts ?

SIR U. KAY-SHUTTLEWORTH : Certainly, Sir.

MR. J. LOWTHER (Kent, Thanet) : I take it, then, that the Admiralty place the contracts at the cheapest place, be it English or foreign ?

SIR U. KAY-SHUTTLEWORTH : Preference is given, if possible, to the English manufacturer. But it was not possible sometimes, on account of the large difference in price, and it then became necessary to employ foreign manufacturers.

MR. MUNTZ (Warwickshire, Tamworth) : Can the right hon. Gentleman say what was the difference in price in this case—between the tender accepted, and the lowest English tender ?

SIR U. KAY-SHUTTLEWORTH : Considerably over 30 per cent.

MR. JACKS (Stirlingshire) : When the right hon. Gentleman says preference is given to the English manufacturer, does he mean also the Scotch manufacturer ?

SIR U. KAY-SHUTTLEWORTH : Perhaps I ought to have substituted the word "British."

JUDGE KELLY AND THE STATE OF CLARE.

MR. ARNOLD-FORSTER (Belfast, W.) : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the statement made by His Honour Judge Kelly, and by Mr. J. F. Cullinan, Crown Solicitor, at the Ennis Quarterly Sessions, on the 12th instant, reported in *The Daily Express* of the 14th instant, from which it appears that Judge Kelly, referring to the state of Clare, said that he did not believe that in any other country in the world such a state of things existed ; there were only two cases of

assault to go before the jury, and His Honour decided to send the defendants for trial to the Assizes ; trial by jury there was a farce ; the jurors were canvassed in Court, and when they went out or went home they drank with the prisoners ; they would have a jury, but would get no verdict ; that he would try no case by jury ; it was perfect nonsense to do so there ; it was a disgrace to the County Clare ; and whether, in view of these statements, it is proposed to send Clare prisoners for trial by Clare juries at the Clare Assizes ?

MR. W. REDMOND (Clare, E.) : Before the right hon. Gentleman answers this question, may I ask whether it is not a fact that at the last Quarter Sessions at Ennis there were only three cases which were sent to the Assizes in the ordinary way ; that no jury was empannelled to try any case before Judge Kelly, and that, consequently, there is no foundation for these statements ?

THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne) : I have seen the newspaper report referred to. The language of His Honour Judge Kelly was not founded upon anything conveyed to him officially, and the police are unaware of the facts upon which the Judge's remarks were based. It appears that there were three cases for trial at the Sessions in question. Two of these were sent on to the Assizes at the instance of the prosecuting Crown Solicitor exclusively on the ground of the absence of material witnesses. The third case was one of assault committed in the course of a dispute respecting the right of turbary. The Crown Solicitor informs me that when he was about to proceed with the trial in this third case, and when the jury was about being called, the Judge remarked that there was no use in proceeding with the trial, and that it would only be a waste of time, as the jury would not agree. This case was thereupon also sent for trial to the Assizes. It will be seen, therefore, that the learned Judge's observations were not based upon anything that actually took place on the occasion, nor, as I have already stated, upon any facts communicated to him by the police. I will only add that if in England a judicial person permitted himself to deliver opinions of this kind under the circumstances, I do not think that

his conduct would be regarded as very becoming.

MR. ARNOLD-FORSTER : May I ask the right hon. Gentleman to answer the last paragraph of the question ; and is it not a fact that the Crown Solicitor stated that he entirely concurred in the opinion of the learned Judge ?

MR. J. MORLEY : After what I have stated, I should have thought that the last paragraph did not require an answer. It is quite true that the Crown Solicitor did make some such remark ; but I beg the hon. Member to observe that no jury had been empanelled, and no case had been heard. What I understand the Crown Solicitor to have done is to have concurred—after hearing the Judge's observations—in the view that the case should go to the Assizes.

MR. W. JOHNSTON (Belfast, S.) : Is there any foundation for the allegation that the juries were canvassed ?

MR. J. MORLEY : What juries ? Is the hon. Member referring to a jury that was never empanelled ?

MR. SEXTON (Kerry, N.) : May I inquire whether, having regard to the great age of the learned Judge, it would not be well to consider if the case is not one for an Address from both Houses to the Crown ?

MR. BARTON (Armagh, Mid) : I wish to know whether the observations of the learned Judge were not made upon an application for the adjournment of the case ; whether the remarks of the Judge were not spoken in such a low tone that it was difficult for the reporters to catch them ; and whether the Judge does not deny that he said he would try no case by jury ; whether the learned Judge is not a Roman Catholic, appointed by a Liberal Government ; and whether there is any foundation for saying that he has ever been accused of partiality ? Is he not the most respected County Court Judge in Ireland ?

MR. J. MORLEY : I do not deny the propositions of the hon. and learned Gentleman ; but I am not sufficiently well acquainted with the learned Judge to express an opinion. I confess I never heard of the learned Judge until this case was mentioned. I believe that what the hon. Member says as to the remarks being extra-judicial, and uttered, therefore, in a low tone, may probably be true. But, however that may be, the remarks

did not properly apply, and that, after all, is the *gravamen* of the charge.

MR. JACKSON (Leeds, N.) : Has the right hon. Gentleman communicated with the learned Judge ?

MR. J. MORLEY : I have not, but I have had a full account of what took place from the Crown Solicitor, who was present, and who has no animus whatever against the Judge. He has no desire to disparage anything the learned Judge said or did. I am not aware that I have said anything to which the learned Judge can object.

MR. W. REDMOND (Clare, E.) : Is it in accordance with the Rules of the House that an hon. Member should put a question imputing words to a learned Judge without first finding out whether the Judge used them ?

***MR. SPEAKER :** I think that as the statement has been denied, on the authority of the Minister, the matter might rest here.

MR. W. JOHNSTON : Does the right hon. Gentleman consider it fair to make a statement concerning the learned Judge without first communicating with him ?

[No reply.]

PUBLIC PETITIONS.

MR. EGERTON ALLEN (Pembroke, &c.) : I beg to ask the Chairman of the Public Petitions Committee whether he is aware that the number of signatures marked on the Petition against the Established Church (Wales) Bill from inhabitants of Tenby (No. 20,156) was 1,672, whereas the number counted was 1,546 ; whether he is aware that the rector of Tenby, and three curates, and Dr. D. A. Reid, churchwarden, signed the Petition (No. 20,148) from the clergy and laity of the rural deanery of Narberth as well as the Petition from the inhabitants of Tenby ; that the rectors of Begelly, Yerbeston, Crunwre, Jeffreston, and Lawrenny, and the vicars of Martletwy and St. Issell's, signed the Petition from the rural deanery of Narberth as well as the Petitions from their own parishes respectively ; and whether he will advise the Committee on Public Petitions to call the attention of the House to all cases where the same people sign more than one Petition with respect to the same Bill ?

Mr. J. Morley

*SIR C. DALRYMPLE (Ipswich): The Committee take no cognisance of the number of signatures endorsed upon a Petition by the petitioners themselves, but report to the House the number officially counted in accordance with their Order of Reference. It is a fact that the persons mentioned in the second part of the question signed more than one Petition; but the Committee hold that it is permissible for a person to sign in an official capacity, even though he may have signed as a resident in the district from which a Petition emanates. In reply to the third part of the question, the difficulty of giving effect to the suggestion would be very great; but the Committee will report to the House any case that may be brought to their notice that does not come within the exception to which I have referred.

*MR. EGERTON ALLEN: In what official capacity can a rector sign a Petition?

*SIR C. DALRYMPLE: As belonging to the Rural Deanery.

*MR. EGERTON ALLEN: Is every member of a Rural Deanery, clergyman or layman, entitled to sign in an official capacity?

SIR C. DALRYMPLE: The case is one that rarely occurs. We hold that the petitioners who signed the second Petition were within their rights.

MR. GRIFFITH - BOSCAWEN (Kent, Tunbridge): Is it not a fact that one Petition was for inhabitants of various districts, and the other for the clergy of the Rural Deanery?

*MR. EGERTON ALLEN: I may say it is not a fact. [*Cries of "Order!"*] I did not intend to cast any reflection on the hon. Member. I am sorry I chose my words so badly, and I withdraw them. Of course, I only meant to say that the Petition on the face of it was from the clergy and laity.

A LANCASHIRE BURIAL DISPUTE.

*MR. CARVELL WILLIAMS (Notts, Mansfield): I beg to ask the Secretary of State for the Home Department whether he has seen in *The Congregationalist Visitor* for June a statement that a parishioner of the parish of Downall Green, Ashton-in-Makerfield, Lancashire, having lost his wife, applied to the rector for a grave in the parish churchyard.

"Before entertaining the application, the rector wanted to know whether it was intended to use the Church of England Burial Service. On being told that the Burial Service would take place with Nonconformist rites, he declared that he would only let the applicant have a common grave; protest and remonstrance being useless, the interment accordingly took place in a common grave."

And whether he will inquire into the facts of the case; and, if the statement is found to be correct, take steps to prevent the parishioners of Downall Green being deterred from availing themselves of the right secured to them by the Burial Act of 1880?

MR. ASQUITH: I have applied to the rector of the parish in question for an explanation of the circumstances referred to. He informs me that in all cases the rights and privileges secured to Nonconformists by the Burial Act of 1880 are willingly granted. That, with regard to the particular interment referred to, he was properly served with notice under the Act of the intended funeral, to which he assented. That there are no common graves in the churchyard, as meaning inferior, either in position, quality, or costs, but that all are alike. He further states that the Act of 1880 reserved all the existing rights of incumbents, and, amongst others, his right to select the part of the churchyard in which any corpse is to be interred. This is the statement made to me by the incumbent, and assented to by the churchwardens. I have no means of ascertaining authoritatively which view of the facts is correct; and the question of law between the complainant and the incumbent is one which I have no jurisdiction to determine.

*MR. CARVELL WILLIAMS: Is the right hon. Gentleman aware that the rector has publicly announced that he has a right to refuse private graves to all but members of his own congregation; and, if so, is he acting in accordance with the law?

MR. ASQUITH: I am not aware of the fact; and it is a question over which I have no jurisdiction; but anyone aggrieved by the conduct of the rector may take legal proceedings and have the question decided.

MR. LEGH (Lancashire, S.W., Newton): Is it not a fact that the parishioner

in question refused to pay any fees whatsoever?

MR. ASQUITH: That has nothing whatever to do with the matter.

SKIBBEREEN POSTAL ARRANGEMENTS.

DR. KENNY (Dublin, College Green): I beg to ask the Postmaster General whether he has received a copy of a resolution, passed on the 14th instant, at a large and influential meeting of the inhabitants of Skibbereen and surrounding districts, South Cork, expressing strong dissatisfaction with the inadequate postal arrangements of the district, and pointing out the necessity for the establishment of a mid-day mail service between Skibbereen and Cork; and whether he will enter into communication with the Railway Companies concerned with a view to establish the extra mail service demanded?

MR. A. MORLEY: I would refer the hon. Member to my answer to a question practically identical to that on the Paper on Tuesday last.

NEW ZEALAND GOVERNMENT TAXES.

MR. MOWBRAY (Lancashire, Prestwich): I beg to ask the Under Secretary of State for the Colonies whether he is aware that the Wellington and Manawatu Railway Company in New Zealand deducts from the half-yearly interest coupons of its debentures a tax of more than 15 per cent., imposed upon them by the New Zealand Government; whether the laws of the New Zealand Government imposing such a tax have received the sanction of the Home Government; and whether the Railway Company is justified in making such a deduction before paying the rate of interest contracted to be paid to its debenture holders in England?

***THE UNDER SECRETARY OF STATE FOR THE COLONIES** (Mr. S. BUXTON, Tower Hamlets, Poplar): By the Land and Income Assessment Act of 1891 taxation is leviable upon all income derived or received in New Zealand from business employment or emolument in the manner provided in the Schedules to the Act. By Schedule C, any Company which has borrowed money on debentures is deemed to be the agent of every debenture holder, whether resident or not; it is required to pay the tax for him, and is specifically authorised to

deduct the amount of tax so paid from any instalment of interest upon the debentures. The Company have been advised that this power must be exercised by them, and that they cannot charge it to corporate funds. This Act was sanctioned, as was a later Act called the Land Tax and Income Tax Act, 1892. Debentures secured on lands are regarded as mortgages, and by the last-mentioned Act the annual tax on mortgages is fixed at 1d. for each £1 of capital—that is 8s. 4d. per £100 debenture. The tax amounts, therefore, not to 15 per cent. as stated by my hon. Friend, but 8½ per cent. But I understand that the whole of the year's deduction on the £5 interest on each debenture has been taken off the one coupon for the whole year. It is true that the Company has deducted this tax from the debenture interest; but I am informed that the attention of the Government of the Colony has been called to the action of the Company, and the New Zealand Government has now under consideration the propriety of amending the law, should it be found that its interpretation is such as to make it obligatory on the Company to deduct the tax in question.

ALDBOROUGH BARRACKS, DUBLIN.

MR. JOHN REDMOND (Waterford): I beg to ask the Secretary of State for War whether, having regard to the fact that the Dublin Corporation have put the Technical Instruction Act into operation, and are desirous of acquiring the Aldborough Barracks as premises for technical schools as soon as they shall have been surrendered by the War Office, he will state when the Department proposes to vacate these barracks?

THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. WOODALL, Hanley): It is not proposed to vacate the Aldborough Barracks, which are required for the Remount Establishment.

SHOOTING OUTRAGE AT RUAN.

CAPTAIN NAYLOR-LEYLAND (Colchester): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland is he aware that, on the 17th instant, a herdsman, named Quin, who was about to take an evicted farm, was fired at by several parties concealed behind the hedge on the roadside as he

was going to the fair at Ruan, about six miles from Ennis, in County Clare; and has the Chief Secretary has any hopes that the criminals will be made amenable to justice?

*MR. THEOBALD (Essex, Romford): I have a question which I intended to put on a previous occasion, but which, no doubt, will do just as well here. It is, when and where the five men now in custody at Ennis, County Clare, and charged with complicity in the murderous attack upon Mr. Weldon Moloney, will be tried?

MR. J. MORLEY: Perhaps the hon. Member will put his question on the Paper. The shots referred to in the question were fired at, or to intimidate, Patrick Lynch (not Quin), who holds a farm which the former tenant was in the habit of letting in meadowing and grazing. I am informed that in August, 1890, and again in July, 1891, shots were fired at Lynch's son in this locality, the motive for the outrage in each case being the same as that assigned for the recent outrage of which his father was the object. No person was made amenable for either of these outrages, and it may prove that there will be no more successful issue on the present occasion; but nothing will be left undone by the police to lead to the detection and arrest of the guilty parties.

SKIBBEREEN RAILWAY SERVICE.

DR. KENNY: I beg to ask the President of the Board of Trade whether he has seen a copy of a resolution, adopted at an influential meeting held on the 14th instant, of the inhabitants of Skibbereen and surrounding district, South Cork, expressive of the strong dissatisfaction caused by the insufficiency of the railway service between Cork and the Skibbereen district, and complaining of the inconvenience to the public arising from the restrictions as to the hours during which the trains are run; and whether, inasmuch as at least one of the Railway Companies concerned is a guaranteed railway, he will cause communications to be addressed to the Railway Companies concerned, with a view to inducing them to remove or lessen the grievances complained of?

MR. MUNDELLA: I have seen the resolution to which the hon. Member refers. If the inhabitants of Skibbereen and district will give the Board of Trade

some specific statement of the increased facilities they require, I shall be happy to use my good offices with the company on their behalf.

RUM RATIONS IN THE NAVY.

MR. CAINE: I beg to ask the Secretary to the Admiralty if it is the fact that on board H.M.S. *Victory*, No. 1, lying at Portsmouth, the sailors are compelled to take up their daily allowance of rum; if there is an Order extant to the effect that temperance men have certain allowances instead of their rum ration; and, if so, why is this Order set aside on board the *Victory*; if he is aware that this Order was made not only to encourage total abstinence among the men, but to prevent those who did not consume the rum ration giving it away to others who did, with much consequent drunkenness; and is it true that men on board the *Victory* have been punished for drunkenness thus produced?

SIR U. KAY-SHUTTLEWORTH: (1.) The Admiralty Regulations are carried out, and no one is compelled to take up his daily allowance of rum, either on board the *Victory* or on any other of Her Majesty's ships. (2.) Certain substituted rations are allowed instead of rum, and 798 of these were issued on the *Victory*, No. 1, in the first quarter of 1893, while savings for rum not taken up were also paid to the extent of 10,384 rations, exclusive of savings paid to officers. (3.) This Order was made with a view to encouraging temperance; but, under another and older Regulation, the sale, loan, transfer, gift, or barter of spirit or other intoxicating drink to or with any of the ship's company, by any person whatsoever, is prohibited, and savings for rum rations not taken up are allowed. (4.) Men are punished for drunkenness on board, however caused; but the cases are very few, only four having been so punished since the 1st January. In each case inquiry was made as to where the liquor traffic came from, and there is no evidence that it came from the mess.

RAILWAY RATES FROM LONDON TO BALLYMOTE.

MR. COLLERY (Sligo, N.): I beg to ask the President of the Board of Trade if he is aware that £4 2s. 6d. per ton is charged for certain goods from Broad Street Station, London, to Bally-

mote, County Sligo, Ireland ; if he can say how that amount is proportionately charged on the English and Irish lines over which it passed, and if it is in accordance with the revised rates lately adopted by the Railway Companies ; and whether he could devise any remedy by which small traders would be protected from such charges ?

MR. MUNDELLA : I have communicated with the Railway Company, and learn that the rate for boots and shoes is as stated by the hon. Member, and that this rate was not altered at the revision, but has been in operation for years. The Company have not informed me how the amount is proportionately charged on the English and Irish lines ; but they say that the rate is under the maximum powers, and that the maximum charge for this traffic between North Wall and Ballymote is 31s. 3d. per ton. In cases in which a legal charge is made I am, of course, powerless to interfere.

THE RIVAL NEW YORK MAIL ROUTES.

MR. F. H. EVANS (Southampton) : I beg to ask the Postmaster General is he aware that on the 11th March Her Majesty's mails were taken by the steamship *Aurania* from Liverpool ; that on the same day the steamship *New York* left Southampton without Her Majesty's mails, and arrived at New York 29 hours before the steamer carrying Her Majesty's mails ; on the 15th March the *Trave*, from Southampton, without mails, arrived at New York 17½ hours before the *Britannic*, from Liverpool same day with mails ; on the 25th March the *Paris* from Southampton, without mails, arrived at New York 53 hours ahead of the *Servia*, from Liverpool same day with mails ; on the 29th March the *Havel*, from Southampton, without mails, arrived at New York 52 hours ahead of the *Germanic*, from Liverpool same day with mails ; on 8th April the *New York*, from Southampton, without mails, arrived at New York 34 hours ahead of the *Aurania*, from Liverpool same day with mails ; on 26th April the *Havel*, from Southampton, without mails, arrived at New York 54 hours ahead of the *Germanic*, from Liverpool same day with mails ; on 6th May, the *New York*, from Southampton, without mails, arrived at New York 46 hours ahead of the *Aurania*, from Liverpool same day with mails ; on 10th May the

Britannic left Liverpool with mails, and arrived at New York 14 hours behind the *Spree*, without mails, although the latter vessel left Southampton on 11th May, a day later ; and would he be willing to receive and favourably consider suggestions from the Postmaster General of the United States that would insure important correspondence between Great Britain and America being sent by steamers that would insure its earliest delivery ?

MR. A. MORLEY : In the cases mentioned in the question, which are selected as specially favourable to Southampton, the departures and arrivals officially recorded do not differ very widely from those stated in the question ; but, while the steamers from Southampton proceed directly to New York, it was necessary for those from Liverpool to call at Queenstown for mails, so as to give the advantage of a later posting. Mails containing specially addressed correspondence were, in fact, carried by all the steamers from Southampton. These mails, leaving London early in the morning, consisted chiefly of letters posted the previous evening—that is to say, 24 hours earlier than the letters sent in the corresponding mails from Queenstown. Persons preferring the Southampton route for their correspondence have only to superscribe their letters accordingly to secure their transmission by that route. The Department has no means of distinguishing important correspondence, and regards all mails as equally important.

MR. FLYNN (Cork, N.E.) : Is it not a fact that the vessels named as sailing from Southampton are much faster than those by the Queenstown route, and that, given steamers of equal speed, the advantage would be greatly in favour of Queenstown ?

MR. A. MORLEY : I mentioned that they were specially selected as favourable for the Southampton route.

MR. F. H. EVANS : But, even after deducting the 24 hours, which I do not admit to be fair, is there not an advantage in favour of the Southampton route of something like 20 hours ?

MR. FLYNN : No, no !

MR. HENNIKER HEATON (Canterbury) : Is it a fact that by the slower route parcels are charged 3s. a pound,

whereas the rate by the fast vessels is only 1s. 8d. per pound?

MR. A. MORLEY: I cannot speak to the fact as to the exact number of hours' advantage possessed by one route over another; but the hon. Member has certainly selected vessels which, after allowing the 24 hours, give a considerable advantage to the Southampton route.

MR. FORWOOD (Lancashire, Ormskirk): Are the times taken from London?

MR. A. MORLEY: Yes.

MISSIONS IN UGANDA.

SIR JOHN KENNAWAY (Devon, Honiton): I beg to ask the Under Secretary of State for Foreign Affairs whether his attention has been called to a telegram from Rome, that appeared in *The Globe* of the 16th instant, with regard to negotiations said to be proceeding between the Vatican and the British Government in regard to missions in Uganda; and if care will be taken that no undue precedence will be given to Roman Catholic missions on the ground of the alleged numerical superiority of their adherents?

THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir E. GREY, Northumberland, Berwick): There is no foundation whatever for the statement made in the telegram referred to. No such negotiations have taken place. It would be premature to give any undertaking regarding the Settlement of Uganda before the receipt of Sir Gerald Portal's Report, and I can assure the hon. Baronet that the question of giving any precedence to any Missions in Uganda has not been under consideration by the Government at all.

CHARITY SCHEMES.

MR. STOREY (Sunderland): I beg to ask the hon. Member for Merionethshire whether any, and, if so, what, schemes for charities have been, during the fortnight ending 17th June, sent to the districts concerned by the Charity Commissioners; and to what newspapers each has been sent?

THE PARLIAMENTARY CHARITY COMMISSIONER (Mr. T. E. ELLIS, Merionethshire): Eight schemes under the Charitable Trusts Acts and two under the Endowed Schools Acts. The cost of advertising schemes

under the Charitable Trusts Acts being borne, not as in the case of the Endowed Schools Act by the Parliamentary Vote, but by the charities concerned, the instructions for advertising these schemes are given, not by the Commissioners, but by the Trustees.

MR. STOREY: I am sorry to trouble the hon. Member; but I do not want the information for myself alone. A number of hon. Members desire it, and I must ask him to be good enough to read it.

*MR. T. E. ELLIS: The hon. Member wishes that these schemes, which are very numerous, should be laid in the Library of the House; but that, I take it, should only be done by the direction of the House itself. In order that the House may know something of the work which is undertaken, I desire to say that the number of Orders made by the Commissioners last year was 2,914. Of these, 553 related to the appointment and removal of Trustees, and 209 to the establishment of schemes. As the schemes under consideration are altered from time to time, it would require the services of an extra clerk or two in order to keep them altered up to date if they were exhibited in the Library. This shall be done if the House desires it, but otherwise I think the Charity Commissioners are not justified in incurring this trouble and expense.

MR. STOREY: I am really sorry to trouble my hon. Friend. My question is not as to the number of Orders for the appointment of Trustees, but as to the promulgation of new Schemes, of which he said there were 209 in a year. He tells us eight have been issued in the last fortnight. Will he be good enough to tell us what those eight are?

MR. T. E. ELLIS: I will supply the list.

MR. STOREY: I apologise to my hon. Friend for giving him so much trouble, but I venture to ask him this supplementary question — whether, in order to prevent my having to ask a similar question week by week and his having to reply to it, he will consider some method by which this information can be placed, if not in the Library, at any rate somewhere where Members who are interested can see it?

*MR. T. E. ELLIS: I have already told my hon. Friend that, in accordance with a desire expressed in this House in 1886, these schemes were carefully indexed and placed in the Office of the

Charity Commissioners for inspection. Since then one hon. Member, in 1886, asked to see a scheme, and the brother of another hon. Member a few weeks ago made a similar application. I have considered this question carefully. I am anxious that hon. Members should have every opportunity of scrutinising these schemes; but I do not think I should be justified in doing as the hon. Member for Sunderland suggests except by direction of the House itself.

DERBYSHIRE MAGISTRATES AND THEIR WINE FUND.

SIR WILFRID LAWSON (Cumberland, Cockermouth): I beg to ask the Secretary of State for the Home Department whether he is aware that the gentlemen recently appointed to the Derby County Bench received the official intimation of their appointment, accompanied by a postscript informing them that it is the practice in this county for the Magistrates on qualifying to pay seven guineas out of which the County Magistrates' Wine Fund benefits to the extent of five guineas, and the remaining two guineas are retained by the Clerk of the Peace; and whether there is any legal warrant for such a demand?

MR. ASQUITH: I am informed by the Clerk of the Peace that the five guineas to the Magistrates' Wine Fund is a donation, not recurrent, of which a separate account is kept; and this provides a fund for the luncheons of the Magistrates from time to time during their period of office, at Assizes and Quarter Sessions. The donation is clearly not obligatory, and there is no legal warrant for requiring it. A portion of the two guineas is paid over to the County Fund in respect of the fees payable on taking oaths of office, and the balance is retained by the Clerk of the Peace for his services outside his official duties. In answer to a question from the Chairman of the Standing Joint Committee, I expressed the opinion on February 21 last that any payment to the Clerk of the Peace in excess of the 10s. which is authorised by the table of fees is in the nature of an honorarium. I am not aware of any legal ground upon which it can be demanded from Magistrates.

HEAVY RATES IN LAMBETH.

MR. TRITTON (Lambeth, Norwood): I beg to ask the President of the Local

Government Board whether his attention has been called to the great increase that has lately taken place in the rates in the Metropolis, the increase in the parish of Lambeth being from 5s. 6d. in the £1 in 1892-3, to a levy at the rate of 6s. 8d. per annum for the current half-year; and whether he will put himself in communication with the Local Authorities in that parish, in order to obtain from them particulars of the circumstances which have led to such an increase?

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. H. H. FOWLER, Wolverhampton, E.): The expenditure and rating of the Metropolis is not controlled by the Local Government Board; but for the convenience of the hon. Member I have made inquiries on this subject. The churchwardens and overseers of the parish of Lambeth inform me that the rates levied in the parish in the year 1892 were at the rate of 5s. 6d. in the £1. The rate in that year would, however, have been nearly 4d. in the £1 higher had it not been that at Lady Day, 1892, the overseers had a balance in hand on account of the poor rate of nearly £19,000, which was applied in reduction of the rates levied. The rate for the current half-year is 3s. 4d. in the £1, and there is some reason to expect that the rate for the second part of the year will be less, so that it is not to be assumed that 6s. 8d. will necessarily be the rate for the year. The items which appear to show an increase in the first half of the present year, as compared with a moiety of the total amount under the several heads in the previous year, are mainly lighting and general purposes and poor rate.

THE INDIAN GOVERNMENT AND THE LOAD LINE.

MR. FORWOOD: I beg to ask the Under Secretary of State for India have the Indian Government suspended the operation of their recent Orders as to the load line of vessels sailing from India; and will ample notice be given to ship-owners in this country of any intention to put the Order in force, and an opportunity afforded to them to state their objections to the proposals?

*MR. GEORGE RUSSELL: (1) The operation of the Indian Load Line Rules is temporarily suspended while the Rules are being revised. (2) A draft of the new

Rules will be published at the principal Indian ports, and in *The Board of Trade Journal*. Shipowners in this country will thus have an opportunity of making any representations which they may think necessary to the Government of India.

FEVER AND SMALL-POX HOSPITALS IN LONDON.

MR. COHEN (Islington, E.): I beg to ask the President of the Local Government Board whether his attention has been drawn to the statement made by the Chairman of the Metropolitan Asylums Board on the 10th instant, to the effect that at the present time, on the average, about 50 per cent. only of the persons requiring admission could be dealt with; and whether he can state the reason for this inability, seeing that the number of persons under treatment for fever and small-pox was only 2,929 and 479 respectively, as compared with the 4,389 cases of fever and diphtheria only which were received at one time in 1892, whilst the accommodation for fever and diphtheria patients at the disposal of the Managers was increased in 1892 to 4,663 beds?

MR. H. H. FOWLER: I have been in communication with the Managers of the Metropolitan Asylum District, and am informed that the statement made by the Chairman had reference only to scarlet fever and diphtheria patients. The number of beds available for these patients is less than in 1892. Last year the small-pox hospital at Gore Farm, which was intended for convalescent small-pox patients, was free for use for fever patients, and furnished 836 beds. There are now, however, 260 small-pox patients in this hospital, and consequently it is not now available for fever cases. There has also been a reduction in the accommodation in consequence of certain old temporary wards having been demolished to make way for permanent buildings, which are now in course of erection; and there are others where works of repair, &c., which were postponed last year, have been carried out, but are not yet quite finished. I understand also that it has not been thought by the several medical superintendents expedient or safe to place so many patients in some of the wards as was done for a short

time in 1892. It may, perhaps, be found possible before long to again admit convalescent cases to Gore Farm.

INSPECTORS OF MESSENGERS AT LIVERPOOL.

MR. STOCK (Liverpool, Walton): I beg to ask the Postmaster General whether there are vacancies for Assistant Inspectors of Messengers at Liverpool, but that, owing to the inadequate scale of pay, it is impossible to obtain suitable candidates; and, if so, will he take immediate steps to have the position of Assistant Inspectors of Messengers at Liverpool improved; and whether these officers have been petitioning during the past three years to have their grievances redressed, and why nothing has been done by the General Post Office, although they have been urgently recommended to improve the pay of these officers?

MR. A. MORLEY: There has recently been some difficulty in getting suitable candidates from among the senior postmen to fill vacancies in the class of Assistant Inspectors of Telegraph Messengers at Liverpool. A proposal is now under examination for somewhat improving the scale of wages for the Assistant Inspectors, and it is hoped that in this way the difficulty will be removed.

DISMISSALS FROM WOOLWICH ARSENAL.

MR. LOUGH (Islington, W.): I beg to ask the Secretary of State for War whether dismissals of workmen are still taking place at the Royal Arsenal, Woolwich; and, if so, whether there is a corresponding number of dismissals among the higher grade of officials, such as foremen, viewfers, examiners, and clerical staff; whether it is possible, in cases of slackness, to transfer the men to other departments, or to put all grades of workmen on short time; whether it is true that contracts have been given to English and French firms for the manufacture of goods that could have been made at the Royal Arsenal; and whether he will undertake that in future no such contracts be made while there is not sufficient work for the men at the Arsenal?

MR. WOODALL: Reductions, though not to any large extent, are still taking place at Woolwich Arsenal as a result of

reduced demands. The higher grades will be reduced as the lessened numbers in the lower grades appear to justify reduction. Apart from the difficulty of transferring workmen to a factory with the work of which they are not familiar, the reductions at present taking place are in all the factories, so that there is little room for transfers. Government factories are maintained for the purpose of providing a check on the quality and cost of the work of the private trade, but by no means with the intention of abolishing the latter, which may be of the first importance in times of emergency. Under this system it would be impolitic when a reduction has to take place to throw the whole of it on the private trade. I may add that no order for any article producible at the Arsenal has at all recently been placed with a foreign firm.

MR. LOUGH: The hon. Gentleman has not answered the question as to avoiding dismissals by putting all men on short time.

MR. WOODALL: We are considering the possibility of adopting a plan of working short time. But up to the present the number of dismissals has been much less than is commonly supposed.

NATIONALIST MEETINGS IN CLARE.

CAPTAIN NAYLOR-LEYLAND: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he has received information if any, and, if any, how many, Nationalist political meetings were held in the towns of Ruan and Ennis, in the County of Clare, during the week ending 16th June; and whether the police were instructed to or did attend those meetings?

MR. THEOBALD: I wish to ask the right hon. Gentleman if at any of these meetings, political or otherwise, resolutions have been passed denouncing gentlemen who in Ireland are politely called "land-grabbers?"

MR. J. MORLEY: No meetings, political or otherwise, were held within the period mentioned in either Ennis or Ruan.

MR. W. REDMOND: May I ask whether, during the same period, there have been any political meetings in Colchester?

Mr. Woodall

*CAPTAIN NAYLOR-LEYLAND: Can the right hon. Gentleman say whether any meeting of any kind was held at any time in the town of Ruan at which a man named Lynch was denounced?

MR. J. MORLEY: My information is that no meetings were held at either of the two places named, and within the period named, either political or otherwise.

POST OFFICE EXPENDITURE.

MR. JACKSON: I beg to ask the Secretary to the Treasury if he will grant a Return showing the percentage of Expenditure to Gross Revenue of the Post Office and Packet Service and of the Telegraphs; and a comparison of Working Expenses and Revenue, in continuation of the Papers presented to the Select Committee of 1888 on Revenue Departments Estimates?

THE POSTMASTER GENERAL (Mr. A. MORLEY, Nottingham, E.): If the right hon. Gentleman will put notice down I shall be pleased to grant the Return.

SCOTCH PRISON OFFICIALS' PENSIONS.

MR. W. WHITELOW (Perth): I beg to ask the Secretary for Scotland if he is aware that a former Governor of Lanark Prison received on retiring a pension calculated on the whole of his service, although he had served under more than one Local Authority; if so, will he admit the claims of the five Scotch prison officers who ask that their pensions may be calculated in the same way?

*SIR G. TREVELYAN: I am informed that the officer referred to by the hon. Member had 15 years' service under the Perthshire Prison Authority and 17 years under the Lanarkshire Authority, or 32 years in all. He received from the Lanarkshire Authority, when he retired in 1874, a pension representing a service of 40 years. The Prison Commissioners cannot say by what sanction pension was granted at this rate, and do not know of any other Local Authority having granted similar terms. The Prisons (Scotland) Act of 1877 took a different view of the powers of Local Prison Authorities, which has been consistently followed for 16 years; and I am not prepared to admit claims based upon an

isolated precedent three years before the passing of the Act which lays down the law clearly.

***MR. W. WHITELAW** : Is the right hon. Gentleman aware that police officers count their whole service? Is there any reason why they should be treated differently from prison officials?

SIR G. TREVELYAN : The hon. Member had better apply to the Financial Secretary of the late Government, who strongly decided in the sense in which the present Government are acting.

MR. JACKSON : To which of my decisions does the right hon. Gentleman refer?

SIR G. TREVELYAN : It may not have been the right hon. Gentleman; it was probably his successor to whom I was referring.

THE ANGORA TRIALS.

MR. F. S. STEVENSON (Suffolk, Eye) : I beg to ask the Under Secretary of State for Foreign Affairs whether he is able to communicate to the House a telegraphic summary of Mr. Newton's Report relating to the Angora trials?

MR. LABOUCHERE (Northampton) : I will also ask whether it is not a fact that before the sentences imposed in these trials can be executed the matter must come before the Court of Cassation, and that that will occupy a period of at least several weeks?

SIR E. GREY : The Vice Consul's full Report has not yet been received; but we have heard the following particulars from him:—The trial began on the 20th of May. The Court consisted of the President, two other Turks, one Armenian Catholic, and one Greek. The prisoners were defended by seven lawyers. The trial was public, and each of the prisoners was examined separately in the presence of the others, excepting in the case of Mr. Thoumaian, when Mr. Kayayan was ordered out of Court. We are anxiously waiting to know on what evidence the sentences were founded, and till we have heard this I would earnestly deprecate any public discussion. It is a general provision of Turkish law that such sentences must come before the Court of Cassation, and I can give the hon. Member an assurance that we have definite and authoritative information as regards this particular case that this course must be followed,

that the sentences will be subjected to close examination and carefully reviewed by the Court of Cassation; and that there is no question of carrying them out at present.

SIR R. TEMPLE (Surrey, Kingston) : I beg to state that in the circumstances it will not be necessary for me to move the Adjournment of the House, as I had intended doing. I may, however, have to do so on a future occasion.

ENFIELD SMALL ARMS FACTORY.

CAPTAIN BOWLES (Middlesex, Enfield) : I beg to ask the Secretary of State for War whether a holiday, with pay, will be given to the *employés* at the Royal Small Arms Factory, at Enfield, on 6th July?

THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. Woodall, Hanley) : As it is not intended to proclaim a public holiday on July 6th, the Ordnance Factories will not be closed.

CAPTAIN BOWLES : I beg to ask the Secretary of State for War whether the minimum rate of wage paid to the workmen at the Royal Small Arms Factory will be less than 6d. an hour?

MR. WOODALL : It is not intended to raise the minimum wages of labourers to the rate referred to.

THE CASE OF MR. MURZBAN.

SIR W. WEDDERBURN (Bauddshire) : I beg to ask the Under Secretary of State for India whether the Secretary of State for India has received a Memorial, dated 18th August, 1890, from Mr. M. M. Murzban, late Assistant Traffic Superintendent, State Railways, complaining that, after eight years' service, he was discharged from the Service with three months' notice on the sole ground of reduction of establishment, although there were eight officers (Europeans) junior to him in the grade, and four probationers, of whom three were appointed within one month prior to the notice; whether the Secretary of State is aware that Mr. Murzban was one of the only two native officers appointed to the Traffic Department since 1879, as against 22 European officers; whether the Secretary of State is aware that about the time of Mr. Murzban's discharge, he had been strongly and repeatedly recommended for promotion by

his immediate superiors, and that the only two European traffic managers under whom he served can now bear witness to his efficiency; whether it is the fact that, before his discharge, Mr. Murzban had no opportunity of being heard in his own defence; whether, if there are any charges against him of misconduct or inefficiency, the Secretary of State will direct that he be given an opportunity of making his defence; and whether, if there are no such charges, the Secretary of State will be pleased, in view of the hardship of the case, to direct that he be employed in some suitable appointment under the Government of India?

*MR. GEORGE RUSSELL: (1) A Memorial from Mr. Murzban, appealing against his discharge from the Service on the ground stated in the question, was forwarded by the Government of India in 1890, and considered by the Secretary of State in Council; (2) the Secretary of State has not the means of verifying the figures; (3) the Secretary of State has not received the Reports referred to from Mr. Murzban's immediate superiors and the two Traffic Superintendents; (4) on receiving the notice of discharge, Mr. Murzban had the opportunity of representing the facts of his case, which have been fully considered by the Government of India and the Secretary of State in Council; (5) Mr. Murzban was not dismissed for misconduct or inefficiency. The terms under which he was employed did not entitle him to serve for pension, but gave the Government the right to discharge him in the event of his services being no longer required. In 1888 it was decided in the public interest to reduce the establishment of the Traffic Department, and it became necessary to select officers for discharge. As the Reports on Mr. Murzban had not been favourable, he was selected for discharge in accordance with the terms under which he had accepted employment. The Secretary of State sees no reason for re-opening the question in the manner suggested, or for directing the re-employment of Mr. Murzban by the Government of India.

"MURPHY V. HUGHES."

MR. RENTOUL (Down, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if his attention

has been called to the case of "Murphy v. Hughes," tried at the recent Monaghan Quarter Sessions, and reported in *The Monaghan Standard* of the 17th inst., in which evidence was given of the proceedings of a League Court, presided over by the Rev. J. M'Phillips, C.C., and constituted of men whom His Honour, Judge Orr, described as a "gang of scoundrels;" whether he has read the statement of Judge Orr, that to say that men will be prevented from discharging their honest debts, and that it is tolerated in a civilised country, is a perfect disgrace to the Government. It is now fully disclosed in the presence of the police and the properly constituted authorities, and if they did not take notice of it he thought it most monstrous; and whether the authorities have been instructed to put an end to these illegal proceedings?

MR. DIAMOND (Monaghan, N.): May I ask the Chief Secretary if it is a fact that the case was not tried in a League Court, but in a properly constituted Arbitration before two duly appointed arbitrators. Does he think the language of the learned Judge, in referring to the arbitrators as a gang of scoundrels, was justified by the facts?

MR. RENTOUL: By whom were the arbitrators appointed? Was it by the League?

MR. J. MORLEY: It is impossible for me to answer these questions, as the proceedings were private and of a practically secret character, so that the police could have no information as to them. I have seen a report of this case and the observations of the County Court Judge thereon as referred to in the question of the hon. and learned Member for East Down. The matter is now under the consideration of the Law Officers. With regard to the condition of the County Monaghan, from the point of view of crime, I find that so recently as March last Mr. Justice Madden, Attorney General to the late Government, in his address to the Grand Jury at the opening of the Monaghan Spring Assizes, expressed his pleasure at the very satisfactory state of the county, and remarked that the cases for trial were very few in number and of the most ordinary character. The county continues, I am glad to say, in a thoroughly satisfactory state in this respect.

MR. MACARTNEY (Antrim, S.): Is the right hon. Gentleman aware that Hughes has sworn in his evidence he was taken before a League meeting which was presided over by the Rev. Mr. M'Phillips?

MR. J. MORLEY: That matter is being inquired into.

MR. SEXTON: In view of the extraordinary language of the Judge in calling the arbitrators a gang of scoundrels, will the right hon. Gentleman direct the police to inquire whether the Arbitration Court was not legally constituted?

MR. J. MORLEY: Yes, that also is being inquired into.

MR. T. HARRINGTON (Dublin, Harbour): I hope the police will also be instructed to inquire if there is a branch of the National League at this place.

ONE DAY'S WAGE EARNINGS.

SIR J. LENG (Dundee): I beg to ask the President of the Board of Trade if he can state the estimated amount of a day's wages of the industrial classes of the United Kingdom?

MR. MUNDELLA: The annual earnings of the classes usually called working classes or manual labour classes (including the estimated value of the board and lodgings of domestic servants, soldiers, sailors, and others) have been recently estimated by Mr. Giffen at about £600,000,000, and dividing this sum by the number of working days in the year would give an average daily earning of about £2,000,000; but the sum actually paid in money as daily wages, owing to the board and lodgings included in many cases and the numbers paid by salary and not by daily wages or by piece work, would probably be much less than the average amount of daily earnings reckoned in the way described.

THE TRALEE AND DINGLE RAILWAY.

SIR T. ESMONDE (Kerry, W.): I beg to ask the President of the Board of Trade if he can state when the Papers relative to the inquiries into the management of the Tralee and Dingle Railway will be laid upon the Table of the House; and whether he would have any objection to the official Report of the evidence given at Major Marindin's inquiry being also laid upon the Table?

MR. MUNDELLA: Major General Hutchinson's Report on the inquiry into the management of the line can be laid upon the Table at once. With regard to Major Marindin's inquiry into the accident, the evidence is in the hands of the printers, and I expect that the Report will be ready in the course of about a week. I think both Reports should be laid at the same time.

INDIAN CIVIL SERVICE EXAMINATIONS.

MR. PAUL (Edinburgh, S.): I beg to ask the Under Secretary of State for India whether Lord Kimberley's Despatch, forwarding the Resolution of this House in favour of simultaneous examinations for the Indian Civil Service, has been sent to the Government of India; and when it will be laid upon the Table in accordance with the promise of the Prime Minister?

***MR. GEORGE RUSSELL**: A Despatch is about to be sent, and, in accordance with usage, will be laid on the Table as soon as it has been received by the Government of India.

INDIAN CURRENCY.

SIR W. HOULDSWORTH (Manchester, N.W.): I beg to ask the Chancellor of the Exchequer if he can now state when the Report of Lord Herschell's Committee on the Currency of India will be published?

SIR W. HARCOURT: I cannot state the exact day; but I expect very soon.

THE IRISH FISHERIES.

MR. HANBURY (Preston): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether a Commission of Inquiry has recently taken evidence on the subject of the herring and other fisheries off the coast of Ireland; and, if so, when it last took evidence, and when the Report will be published?

MR. J. MORLEY: An Inquiry—to which apparently the question of the hon. Member refers—was recently held respecting the mackerel and herring fisheries at Kinsale, in the South of Ireland, and the Report of such Inquiry has been presented to the Lord Lieutenant. The recommendations contained in the Report are now under consideration; but inasmuch as the carrying out

of these recommendations would involve legislation, and as the points at issue have reference to the early season which has passed over, no object would be gained by the publication of the Report and evidence at present.

MR. HANBURY: I asked the question in view of the sub-section we are going to discuss. Will the right hon. Gentleman be able to publish it in any form before the discussion takes place?

MR. J. MORLEY: As I hope the discussion will take place to-night, that will be impossible. But I do not think the findings of the Commissioners will raise any point on the sub-section.

THE BANKS AND THE ROYAL WEDDING.

COLONEL HOWARD VINCENT: I beg to ask the First Lord of the Treasury if his attention has been directed to the express terms of the 4th section of the Bank Holiday Act (34 & 35 Vict., c. 17), authorising the proclamation of a close holiday in all banks in any particular county, city, borough, or district of the United Kingdom, without reference to any other part of the country in which such holiday is not desired; and if the Government can be induced to re-consider its refusal to take the steps necessary to secure freedom from ordinary work for the bank clerks and other officials in places like Sheffield, wherein, by popular desire and civic authority, the Royal Wedding Day is to be observed by all other classes of the community, and not least of all by working men, as a day of general rejoicing?

THE FIRST LORD OF THE TREASURY (MR. W. E. GLADSTONE, Edinburgh, Midlothian): I believe, Sir, that the hon. Gentleman is correct in his reference to the Bank Holiday Act. In cases of local holidays we have had no representation whatever from the Local Authorities that it would be, in their judgment, desirable to arrest the action of the banks on those days, and we certainly could not deem it to be our duty to consider that question except on the motion of the Local Authorities.

COLONEL HOWARD VINCENT: If the Local Authorities make a representation will the right hon. Gentleman take the necessary action?

MR. W. E. GLADSTONE: We must wait and see what their action is.

Mr. J. Morley

THE TREES IN PALACE YARD.

MR. THEOBALD: I beg to ask the First Commissioner of Works if his attention has been called to the fact that the trees in Palace Yard are suffering very much from want of water, and what steps he proposes to take?

MR. SHAW LEFEVRE: I must ask for notice of that question.

THE ARMY ESTIMATES.

MR. HANBURY: Will the Financial Secretary to the War Office say what Army Votes are to be taken next week, and in what order?

MR. WOODALL: The Government propose to ask the House for Votes 2, 9, and 10—that is to say, for the Medical Establishments, Works, and Warlike Stores.

THE LORD LIEUTENANT IN SLIGO.

MR. MACARTNEY: I beg to ask the Chief Secretary whether his attention has been directed to a placard which has been largely circulated in the County of Sligo headed "Visit of the Lord Lieutenant to Sligo?" It goes on to say that

"His Excellency Lord Houghton, the Home Rule Lord Lieutenant,"

will pay a visit to Sligo, and will arrive by train from Dublin, and that

"addresses are intended to mark the visit of the friend and representative of Mr. W. E. Gladstone and his Home Rule Government."

I wish to ask the Chief Secretary whether this visit has taken place; and whether, on this and similar occasions, the Lord Lieutenant is divested of his character as the Representative of Her Majesty the Queen?

MR. J. MORLEY: I believe His Excellency the Lord Lieutenant was to arrive at Sligo this afternoon, there to join the *Enchantress*, in which he intends to take a cruise. I am quite sure that the Lord Lieutenant will not do anything inconsistent with the high character of his office.

MR. COLLERY: Will the right hon. Gentleman be good enough to say whether the Lord Lieutenant will carry out his intended visit, as the people of Sligo intend to give him a right Royal reception?

MR. J. MORLEY: By this time, no doubt, the visit is over.

THE BRITISH EMBASSY IN PARIS.

MR. LABOUCHERE: I beg to give notice that to-morrow I will ask the Under Secretary of State for Foreign Affairs whether there is any truth in the statement in the French newspapers that certain documents have been stolen from the British Embassy.

HOME RULE FINANCE.

MR. W. E. GLADSTONE: I gave an intimation to hon. and right hon. Gentlemen opposite that the Government would be prepared to lay the Financial Amendments to the Irish Government Bill on the Table, as we hope before the close of the week. I trust that they will be printed and circulated to-morrow morning; but as the changes are considerable, I think it may be for the convenience of hon. and right hon. Gentlemen that I should, with the indulgence of the House, take a few minutes of their time in order to make the leading proposals as easy and as clear as possible for them to be followed. The intention which I expressed a considerable time back of asking for the postponement of the Financial Clauses as a whole was expressed under the belief that the rule prevailed which has, I think, been usual of allowing the Government, when proposing an important measure, to choose the order in which the clauses of that measure were presented. Having seen from experience that that view is not taken in the present case, I do not propose to move the postponement of the Financial Clauses as a whole, unless it is made known to me by sufficient authority that such is the general wish of the House. I assume for the present that that will not be done. The first thing I have to do is, of course, to present to the House a balance sheet of Irish finance, as it now stands, after the discovery of the error in regard to Excise. That balance sheet will be moved for by my right hon. Friend the Secretary to the Treasury, and the House will have it in its hands to-morrow morning with a few notes and explanations. The changes in the balance sheet would not, I think, have entailed any large changes in the Financial Clauses, but the situation of the Bill has led the Government to observe in what manner they could

reduce and simplify the number and character of the financial questions to be submitted to the House for its consideration; and we have, therefore, remodelled the Financial Clauses, if I may use that expression, with the view of presenting to the House for its sanction a simple plan raising few points of debate. If it is the pleasure of the Committee I will describe in very few words and in a popular manner the effect of the plan; but, of course, the Committee will observe that I do not profess to represent in these few words the effect of the whole of the matter contained in clauses which, although materially shortened, will extend over two or three pages at least—perhaps more—of the Irish Government Bill. The plan as it will stand, if accepted by the Committee, will, I think, be fairly represented by these words, and, of course, I shall not enter into a single word of justification or defence of it. The conveying of information is the only object which I have in making these few remarks. In the first place, the considerable term for which it was proposed that the financial arrangements should endure, is, in our view, to be materially changed. We propose to establish what I may call a provisional term of six years for the financial arrangements, instead of the longer term of 15 years, to be capable of extension until interfered with. During these six years—and this is what I am anxious the Committee at once should understand—the plan will be materially different. In the first place, there will be no change proposed by us in fixing the management and collecting any of the taxes included in the present system of taxation. Secondly, there will be a power given to Ireland to establish new taxes for herself. Thirdly, Ireland's contribution, according to our proposal, will be one-third of her ascertained Revenue; and, fourthly, any tax which may be imposed on her by Parliament expressly for war or special defence. At the close of the six years the contributions and the financial particulars would be revised, and Ireland would collect and manage her own taxes except the Customs and fix her taxes except Customs, Excise, and Posts. This is a very brief summary. Gentlemen who have been kind enough to follow me with the Bill in their hands will, I think, understand it. It is proposed that three of the clauses should

drop altogether. They are No. 11, No. 18, and No. 21. Two of the Financial Clauses are clauses in which we do not propose any change affecting finance. They are No. 18 and No. 19.

MR. A. J. BALFOUR: You mentioned 18 as one of those that would be dropped.

MR. W. E. GLADSTONE: Yes, I have misread my notes. It is my defective vision, I am sorry to say. The clauses that will be dropped are No. 11, No. 13, and No. 21. Those in which we do not propose to make any change are Nos. 18 and 19. Therefore, we shall propose to take five clauses in their order as they stand. There remain seven clauses. Four of them are clauses which will be supplanted by the new financial provision—namely, Clauses 10, 12, 17, and 20. We shall propose to negative those clauses in order to bring up new clauses with the view of introducing our simpler plan. There still remain three clauses, and those we propose to postpone until after the new clauses mainly upon the ground of form, because they refer to the Irish Consolidated Fund, and the Irish Consolidated Fund will not have been created by the Bill until the new clauses are introduced. They are Clauses 14, 15, and 16. To summarise, five clauses will be dealt with in their order, and four we propose to negative and to bring up in their places new clauses after we have gone through the clauses in the regular form, and three will be postponed until after the new clauses.

MR. GOSCHEN (St. George's, Hanover Square): May I ask my right hon. Friend to say when he will be likely to take the Committee which will be necessary to set up before the Financial Clauses can be discussed? I am sure that the House is grateful to the right hon. Gentleman for the lucidity with which he has put this matter before the House. It is extremely convenient that he should give us these general lines before the paper appears, and personally I feel very much indebted to him for the trouble he has taken. I am sure my right hon. Friend rightly appreciates the desire of the House that the Financial Clauses shall not be postponed as a whole, but that we shall be able to discuss the whole finance of the Bill when we come to the Financial Clauses in their order. If some of the

clauses are postponed to the end we still may discuss the policy of the clauses in the place where the original proposals appear, as, I think, my right hon. Friend has suggested. I trust I am right in that conjecture, but, at all events, the right hon. Gentleman the Prime Minister will tell us when he proposes to take the Committee on these clauses.

MR. W. E. GLADSTONE: No doubt the Government will propose that certain clauses now standing in the Bill be negatived for the purpose of introducing these, and it will be for the Committee to consider how far it may be convenient to make that an opportunity for discussing the whole of the financial proposals. Upon that, however, I shall not venture to give an opinion until the matter has been considered in connection with the Forms of the Committee. With regard to the preliminary Committee, my impression is that the usual course in such cases is to so frame the Resolution as to get in general terms the necessary authority for the Committee of the whole House, but not to obtain the judgment of the House upon the proposals. The usual and most convenient course will be to move the preliminary Committee a short time before the clauses themselves are actually reached.

MR. A. J. BALFOUR: I hope the right hon. Gentleman will, as soon as possible, allow the House to have the terms of the Resolutions to be submitted to the Financial Committee, so that we may be able to judge of their general shape. May I ask whether it is not usual to discuss the general principles of the financial proposals on setting up the Financial Committee? Let me explain. The Speaker ruled out of Order at the beginning of our Committee stage an Instruction dealing with the financial portion of the Bill; and, if my memory serves me rightly, that question could have been raised on the setting up of the Financial Committee stage. If that is so, it would be competent to take a general debate on the financial proposals when we come to discuss them in the Financial Committee.

MR. W. E. GLADSTONE: I think it very doubtful whether the Financial Committee would afford any opportunity for pronouncing a definitive judgment on the whole scheme. As to the debate on

the clauses, the Chair will determine what can be done.

MR. GOSCHEN: The operative part of the Government's financial plan, I presume, will have to be discussed at the end of the clauses. That is to say, we can only discuss the plan which has been dropped on the Motion to negative the existing Financial Clauses? I presume we shall not be able to discuss the operative part of the new plan practically until we reach the end of the Bill.

MR. W. E. GLADSTONE said, the Government had it not in their power to place the clauses in closer juxtaposition than they had proposed.

MR. A. J. BALFOUR (Manchester, E.): Of course, the right hon. Gentleman has present to his mind the fact that on the Second Reading we could not discuss the general and collective aspect of the financial proposals, because they were not before us; and, therefore, it may be necessary for us to take every legitimate opportunity on the Financial Committee to regard these proposals as a whole.

MR. SEXTON (Kerry, N.) asked whether questions of Order on matters which might arise in Committee were not for the Chairman to determine?

MR. SPEAKER: I do not understand that any question of Order was put to me. Of course, the matter would have to be decided when the financial alterations came before the House in Committee.

MR. J. E. REDMOND (Waterford): As I understand the brief statement of the right hon. Gentleman, it is his intention to propose a clause which would deprive the Irish Parliament of any power over the collection, management, or control of any existing Irish tax whatever for a period of six years, and I beg to give notice that when that clause comes up for discussion I shall oppose it as unjust and humiliating to Ireland.

GOVERNMENT OF IRELAND BILL (FINANCE).

Copy ordered, "of Statement illustrating the effect of the amended Financial Proposals in the Government of Ireland Bill."—(Sir J. T. Hibbert.)

Copy presented accordingly; to lie upon the Table, and to be printed. [No. 280.]

ORDERS OF THE DAY.

GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 21st June.*]

[TWENTY-SIXTH NIGHT.]

Considered in Committee.

(In the Committee.)

Legislative Authority.

Clause 4 (Restrictions on powers of Irish Legislature).

MR. BARTLEY (Islington, N.) said, he had an Amendment, in page 2, line 34, leave out "(6)," but he would not move it. It was the desire of the House that they should proceed, and he would reserve his observations for the next Amendment.

THE CHAIRMAN said, the next Amendment in Order was that in the name of the hon. Member for East Belfast (Mr. Wolff).

MR. BARTLEY said, he understood the next Amendment to be moved was that of the hon. Member for East Edinburgh (Mr. Wallace).

THE CHAIRMAN called upon Mr. Wolff.

MR. WOLFF said, he rose to move in page 2, line 35, to leave out from "Parliament" to "may" in line 37. He would draw the attention of the House to Sub-section 6, which read—

"Whereby any existing Corporation, incorporated by Royal Charter or by any local or general Act of Parliament (not being a Corporation raising for public purposes taxes, rates, cess, dues, or tolls, or administering funds so raised) may, unless it consents, or the leave of Her Majesty is first obtained on Address from the two Houses of the Irish Legislature, be deprived of its rights, privileges, or property without due process of law."

Now, they would see that the Amendment applied to Corporations, such as Municipal Boards, Harbour Boards, and Water Boards. These Boards had considerable incomes derived from rates and tolls, and many of them had borrowed vast amounts from English and other Societies. He was afraid, unless this Amendment was accepted, that the confidence reposed in such Bodies would be done away with if the Irish Legislature were entrusted with the power which it was proposed to give to it. The various Corporations, he feared, would in that case be no longer

in a position to raise the loans that were necessary to their carrying on the business which they had in hand. He would take the case of Belfast, with which he was himself connected. That City had three Bodies—the Corporation, the Harbour Board, and the Water Board. The Corporation of Belfast was not a favourite with the hon. Member for North Kerry (Mr. Sexton), who, when he represented one of the Divisions of Belfast, did everything he could to prevent the Corporation bringing forward Bills that were considered necessary for the improvement of the City, even going the length, he would remind the House, of stopping the progress of the Main Drainage Bill—a Bill which was much required at the time. Well, he fancied the hon. Member's opposition to the Corporation was political rather than anything else. He was opposed to the present political constitution of that Body. The Corporation, however, was an important Body. It had an enormous investment in improvements, and it had large financial relations with England. If the Home Rule Bill passed, might not the Irish Parliament interfere with that? At all events, they could understand that, in such circumstances, those who had advanced money in the past would be unwilling to do so again in the case of a Corporation which would be subject to the law as laid down by the Irish Legislature. The Harbour Board had £1,096,000 invested. They also feared the advent of the Irish Legislature. The Water Board had also great investments, amounting to many thousands of pounds, and they had at present a scheme before the House of Lords proposing a vast expenditure for a further water supply to meet the growing needs of the City. These Corporations, like the others, feared that under Home Rule they would not be able to carry out those improvements which were necessary for the welfare of the citizens. For these and other reasons, he thought it was very desirable that they should exclude these words from the clause. He did not say that the Irish Parliament would, immediately on its being appointed, proceed right away to do the things that were apprehended. But he felt perfectly convinced that they would try to do them as soon as opportunity offered to permit them; and the security which such

Mr. Wolff

Bodies now enjoyed would be endangered. They had the words "due process of law," but they did not know what they meant, and in the North of Ireland they had no confidence in the interpretation that would be put upon the clause as it stood by the Irish Legislature. If this were an ordinary Bill they might have confidence, but it was not ordinary. They were satisfied that the administration of the law by the Irish Legislature would not be equal in fairness to that which prevailed under the Imperial Parliament. They accordingly hoped the Government would accept an Amendment which would give them greater security than had yet been provided for in the Bill.

Amendment proposed,

In page 2, line 35, to leave out from the word "Parliament," to the word "may," in line 37.—*(Mr. Wolff.)*

Question proposed, "That the words proposed to be left out stand part of the Clause."

*THE ATTORNEY GENERAL (Sir C. RUSSELL, Hackney, S.) said, the Government could not accept the Amendment. The hon. Member himself confessed that no one would think of proposing such an Amendment in any ordinary scheme of local self-government, where there was any confidence in the proposed Governing Body; in other words, the Amendment meant there was no trust to be placed in the Body proposed to be constituted. The Government did not share that view. Besides, the Amendment would have the effect of depriving the Irish Legislature of what he might call an elementary right with respect to local government. The Amendment was like that brought forward regarding Dublin University, and it would be impossible for them to agree to it.

MR. GOSCHEN said, he would call attention to the wording of the clause and the general effect of the omission. This was an exception from what? It was an exception from a law being passed by which Corporations would be deprived of their rights, privileges, or property without due process of law. Some alteration was needed in the drafting of the clause.

MR. RENTOUL (Down, E.): It is grammar.

MR. GOSCHEN said, it was a question of drafting, and he thought

the Attorney General would see that there must be an alteration made in the wording of the clause.

*SIR C. RUSSELL said, the criticism of the right hon. Gentleman was well founded. The clause needed some alteration, and the Government would consider what alteration should be made, and bring it up altered on Report. They would introduce words which he hoped would be satisfactory to the House.

MR. PLUNKET (Dublin University) said, this was a rather embarrassing decision. It was extremely difficult for them to move an Amendment until they knew what was to be done—what alteration in the wording was intended to be made. He would point out to the Government, with reference to the phraseology of the clause, that the exclusion referred to a Corporation

“raising for public purposes taxes, cess, dues, or administering funds so raised.”

He was afraid it might be held that a University was a Corporation raising dues in the form of fees for public purposes, on the ground that education might be considered a public purpose. Was there any question or doubt as to Dublin University being included in the exception by reason of its raising fees for a public purpose?

SIR C. RUSSELL said, that the words would not apply in the sense indicated by the right hon. Gentleman.

MR. CARSON (Dublin University) said, the Attorney General was probably acquainted with the case of the Louisville University, America; and, that being so, he thought he would acknowledge that, if there was to be any alteration in the wording of the clause, it should be of a nature and character that would strictly draw the line between public and private purposes. He hoped the words would not be left open to application in the case of the Dublin University.

SIR C. RUSSELL said, the distinction was drawn in the matter of taxing powers.

MR. BARTLEY said, as the clause was wrongly drafted, he thought they were entitled to ask the Government to leave out the words altogether and bring up a new sub-section. It was not business-like to pass from the point in that way. It would be very much easier,

and more convenient, to bring in a new sub-section, so that the meaning in the mind of the Government would be properly understood.

MR. SEXTON (Kerry, N.) said, it must be obvious that if the words were left out it would not improve the case. In his opinion the words in parenthesis clearly expressed the meaning.

MR. BARTLEY said, the Government agreed that the words were doubtful, and it was reasonable to ask that they should be rendered clearer.

MR. SEXTON said, that was in order that the Opposition might have a battle royal upon the question. He did not think they could assent to that.

MR. GOSCHEN said, it was curious to observe the attitude of the hon. Member for North Kerry after the admission of the Attorney General—

MR. SEXTON said, he supposed he had the same right as any other Member to state his views on the question before the Committee.

An hon. MEMBER: More.

MR. SEXTON said, every Member had a right to be heard in a discussion of that kind.

MR. GOSCHEN said, the proposal before them was that the Government should introduce words which would enable them to understand something which they could not at present understand.

MR. SEXTON said, if the right hon. Gentleman thought it necessary to make the wording of the clause clearer he could propose an Amendment. For his part, he thought there was no necessity for waiting till the Report stage.

MR. COURTNEY (Cornwall, Bodmin) said, as he understood the matter, some Corporations would be exempted from the operation of the clause. The question was whether the restricted powers of the Legislature should also be made to apply to any Body

“Not being a Corporation raising for public purposes taxes, rates, cess, dues, or tolls, or administering funds so raised.”

He confessed that if they were to establish an Irish Legislature in Dublin, they ought to give it unrestricted powers over Burial Boards, Water Works Boards, and Boards of that kind; and therefore, much as he objected to an Irish Parliament, he thought these words ought to be retained.

Question put.

The Committee divided :—Ayes 302 ;
Noes 254.—(Division List, No. 162.)

***MR. TOMLINSON** (Preston) rose
to move that the words

“ Unless it consents, or the leave of Her Majesty is first obtained on Address from the two Houses of the Irish Legislature ”

be omitted from the section. He said that existing Corporations were by the clause as it stood to be handed over to the Irish Parliament absolutely ; in case these conditions were satisfied it was the duty of the Committee to consider whether these restrictions were sufficient for the protection of these Corporations. It should be remembered that it was proposed, subject to the words he moved to leave out, to restrict the powers of the Irish Parliament to confiscate the property of those Corporations. On that point, he ought, perhaps, to speak with some reserve, for it was not at all certain that the words as they stood carried out the real intentions of the Government ; but what he submitted to the Committee was that, whatever qualification ought to be introduced into the words, the words themselves only apparently restricted the power of the Irish Parliament, whilst it left the Irish Parliament with really effective control over these Corporations. The sub-section enacted that no Corporation was to be deprived of its rights, privileges, or property,

“ Unless it consents, or the leave of Her Majesty is first obtained on Address from the two Houses of the Irish Legislature.”

He did not propose to dwell at any length on “ unless it consents ” ; but the words were ambiguous, and he would like to know in what process was the Corporation to give its consent ? Was it by calling a meeting of the Body for the consideration of the subject ; and, if so, what was the majority by which the consent was to be given ? He asked the Committee to consider the other alternative, providing for the leave of Her Majesty being first obtained on Address from the two Houses of the Irish Legislature. The question of an “ Address from the two Houses of the Irish Legislature ” was discussed during the Debates on the previous day, and he did not intend to say much about it. But it was quite obvious that if the Irish Legislature wished to

deprive a Corporation of its property without due process of law, there would be no more difficulty in obtaining an Address of the two Houses of Parliament for that purpose than in obtaining an Act of Parliament with the same object. Then it was said the leave of Her Majesty must be obtained. That point also had been clearly stated on the previous day, and he would only say in regard to it that, in the opinion of hon. Members on that side of the House at least, the Government had made no effective reply to the arguments by which it was supported addressed to it. He begged to move the Amendment.

Amendment proposed, in page 2, line 37, to leave out from the word “ may,” to the word “ be,” in line 39.—(*Mr. Tomlinson.*)

Question proposed, “ That the words proposed to be left out stand part of the Clause.”

***SIR C. RUSSELL** : We do not accept this Amendment. It will be observed that the whole of the clause is a restriction upon the legislative authority of the Irish Legislative Body. It sets out certain restrictions within the bounds of which the Irish Legislative Body cannot pass any Act. My hon. Friend does not raise any serious objection to the words “ unless it consents.” But I will put a case the words are intended to meet. An existing Corporate Body, if it has a Charter, is, of course, limited in its aims and purposes and in the appropriation of its funds within the terms of the Charter. It may itself be perfectly willing to devote some portion of its funds to other purposes which do not legally come under the Charter ; and it is intended, if the Corporation consents, that the Irish Legislative Body shall be able to legislate so as to allow the Corporation to devote some portion of its funds to these other purposes. Then, as to the leave of Her Majesty. That is intended to meet a case in which a Corporation ought to consent to the appropriation of some of its funds for some purpose not contemplated by its Charter, but refuses to consent to any such appropriation. In that case the provision of the leave of Her Majesty must be complied with before the Irish Legislature can act at all. My hon. Friend will observe that in this context the leave of Her Majesty means

not that Her Majesty is to veto the proposal, but that an affirmative leave is to be given. The context also means that leave is to be on the advice of the Imperial Executive whether there ought to be an appropriation of funds of a Chartered Body to purposes other than they are enabled to make such appropriation for under their existing authority. In that case, where an Address is presented by the two Houses, and the leave of Her Majesty on the advice of the Imperial Executive is given to it, then the road is clear for the Irish Legislative Body.

SIR H. JAMES (Bury, Lancashire) submitted that it would save a great deal of trouble if words were put in which should clearly distinguish between Her Majesty acting on the advice of Her Privy Council at Westminster and Her Majesty acting on the advice of the Irish Ministry. He understood the Chief Secretary had intimated that this distinction should be made by the introduction of words in the Bill.

SIR C. RUSSELL assented to this.

MR. A. J. BALFOUR (Manchester, E.): Of course, what the Government mean is not Her Majesty in Council; they mean Her Majesty acting on the advice of the English Ministry, which is a different thing. "Her Majesty in Council" is an ambiguous phrase. What my right hon. and learned Friend opposite (Sir H. James) desires, and what we desire, is a distinction between Her Majesty acting on the advice of an Irish Ministry, and acting on the advice of an Imperial Ministry. I am not sure that putting in the words "in Council" really carry out that view, because Her Majesty in Council may mean Her Majesty acting on the advice of the particular Privy Councillors who happen to constitute the Cabinet. We understand the Government are pledged to bring forward an Interpretation Clause in which the matter is made clear. I earnestly press that that clause be put upon the Paper as soon as possible, and that some words should be introduced in each place when you mean Her Majesty acting on the advice of the Imperial Ministers to distinguish it from those occasions where she is acting on the advice of Irish Ministers. What words does the hon. and learned Gentleman suggest? An Interpretation Clause

alone will not do. My point is this: You cannot, in a series of clauses in the Bill in which Her Majesty's name is introduced and it is stated that certain things can only be done with the consent of Her Majesty, leave it ambiguous in the clause whether you mean Her Majesty acting on the advice of the Irish or English Ministry, and you cannot clear that up by the help of your Interpretation Clause. You must show in each clause whether you are dealing with the Imperial or with the Irish Ministers. What words does the hon. and learned Gentleman intend to introduce?

*SIR C. RUSSELL: It will need some consideration. One would have to go through the clauses and see the connection in which the phrase "Her Majesty" occurs. The Chief Secretary has promised that words shall be introduced which shall indicate the cases in which we mean the leave of Her Majesty is not to be given except upon the advice of the Imperial Executive.

MR. A. J. BALFOUR: I should like to ask that the Government should as soon as possible tell us what form of words they mean to introduce, not in the Interpretation Clause, but in the clauses that are to be interpreted, so that we may be able to place on record our decision that it is the Irish or the British Administration that is intended. Such a course will greatly shorten the discussions on subsequent Amendments. As to the particular Amendment of my hon. Friend behind me (Mr. Tomlinson), I would suggest that it is not of importance, for really we are in such a muddle on this clause, and the clause is so nonsensical as it stands, and is admitted by the Government to be nonsensical—

SIR C. RUSSELL: No, no!

MR. A. J. BALFOUR: Well, very nearly nonsensical. The clause as it is drafted means this: that any Corporation, the consent or leave of Her Majesty having been obtained, may then, without any process of law, be deprived of their property. That is what the clause means, though not what the Government mean; therefore the clause is nonsense as it stands, and no form of words we can introduce now will make it sense. I have endeavoured to think what Amendments would reduce this chaos to order, and I have totally failed. I also

gather that the Government have found some great difficulty in dealing with them, or they would have been prepared to come forward with words to carry out the intention which they avow. This being the state of the case, I am not sure the Amendment will be any great improvement; and, on the whole, I would advise my hon. Friend to leave it to the Government to introduce order where they find chaos, and to bring up words to carry out the meaning they avow, at some later stage.

*MR. TOMLINSON said, that though he did not wish to press the matter to a Division, he was bound to refer to the remarks of the Attorney General. He had stated that the object of the Government was to enable a Corporation to extend its powers to purposes not within its charter, in the first place with its consent, and, in the second place, where it did not consent, in a case where it ought to consent, to do so under this process. He must point out, however, that those were not the words in the clause, which were "be deprived of its rights, privileges, and property." That was not an extension of its objects, and it was clear that in all fairness the Government must admit that the whole of the sub-section required casting.

MR. SEXTON wished to say that, with regard to the leave of Her Majesty, it was quite clear that in the case before them the leave of Her Majesty was not the leave of Her Majesty exercised by the Lord Lieutenant upon the advice of the Irish Cabinet, because the two Houses of the Irish Legislature had first to concur in the Address; and as one of these would govern the Irish Cabinet, it was obvious that the further leave to be given must be leave of another kind. That was quite clear. Then came the question of the Interpretation Clause. It would be a dangerous thing to deal by one Interpretation Clause with the various mentions of the name of Her Majesty, because whilst in one case the leave to be given might be the leave of Her Majesty acting on the advice of British Ministers or some analogous process, in another case, it might be, the operation of the power of Her Majesty would be on the advice of the Irish Cabinet, so that one Interpretation Clause would not apply to all the cases. The safest plan, therefore,

was where they meant Her Majesty in Council to say so on the spot and not in an Interpretation Clause.

SIR H. JAMES did not understand that Her Majesty would ever act on the advice of the Irish Executive, but her Lord Lieutenant would. Her Majesty would herself never be guided by the Irish Ministers; but when she delegated her authority, of course the authorised agent would act on her behalf. He suggested that whenever it was intended the Imperial Ministry should act, they should put in the words "Her Majesty in Council," and whenever it was intended the Irish Executive should act, they should put in that the Lord Lieutenant should act. Then when they put in the words "Her Majesty in Council," they should make it clear by one Interpretation Clause that Her Majesty would act on the advice of her Privy Council of Great Britain.

*MR. J. LOWTHER (Kent, Thanet) said, it was apparently contemplated by the clause that a legislative act should take effect not by means of legislation through the ordinary forms of the proceedings of Parliament, but by means of Addresses of the two Houses of the Irish Parliament. [SIR C. RUSSELL: No, no!] Then the words were absolutely unintelligible to anybody.

MR. BARTLEY said, it seemed to him that time had been lost by the Government not agreeing to a previous suggestion that the clause should be withdrawn and re-cast; it was so crudely worded. To take these words out would be almost a mistake, and yet the clause meant nothing as it stood. He hoped the Government would withdraw the sub-section and put in ordinary words which could be understood.

Amendment, by leave, withdrawn.

MR. BARTLEY moved the following Amendment:—

Page 2, line 38, leave out "it consents," and insert "nine-tenths of its Members, duly convened for the purpose, consent."

He did not wish to press the number of Members or the proportion who agreed to it, but they ought to put in words distinctly to show what was meant by "consent." Great pressure would be put upon some Corporations to consent, and no doubt every conceivable means would be taken to bring that consent with some majority. In some

Corporations it was decided what majority should do certain acts. It was a very grave step to give these Corporations, if they granted their consent, absolute power to be deprived of their rights, privileges, and property without due process of law. That was to say, if they consented they could be handed over bodily in any way that was thought proper, and the whole of their privileges, rights, and property might be taken without due process of law; therefore, this matter ought to be safeguarded in a proper way so as to secure that this consent should not be got at like a highwayman with a pistol at the Corporation's head. He thought the Government ought to put in words showing that this consent should be by an overwhelming majority of the Corporation, and not an accidental or snatched consent.

Amendment proposed,

In page 2, line 38, to leave out the words "it consents," and insert the words "nine-tenths of its Members, duly convened for the purpose, consent."—(*Mr. Bartley.*)

Question proposed, "That 'it consents' stand part of the Clause."

CAPTAIN NAYLOR - LEYLAND (Colchester) considered they were entitled to an answer from the Attorney General as to whether the Government would accept this Amendment.

SIR C. RUSSELL: I have not had an opportunity of rising.

CAPTAIN NAYLOR - LEYLAND: Then I will give the hon. and learned Gentleman the opportunity.

***SIR C. RUSSELL**: No, we cannot accept the Amendment. The consent of the Corporation is expressed in the ordinary way by the majority of those who have been present at the meeting and who declare the will of the Corporation. I do not see what justification there is for the Amendment.

MR. RENTOUL (Down, E.) said, this was really a very important matter, and he was rather surprised it was passed over so lightly in connection with the last Amendment. This was put in presumably as another safeguard providing that unless the Corporation consented they could not be deprived of their rights, privileges, and property. The Attorney General with regard to the last Amendment confined the matter to a small point—namely, the case where a

Corporation wished to make some change in the disposal of portion of its own property. That was a small matter, but this referred to a very broad question. How was the consent of the people to be signified? The present Members of a Corporation, or even the present electors, were not absolutely the owners, but in a popular sense were the trustees of the rights, privileges, and properties which they were to hand over to their successors; and they would like to know how the consent, for example, was to be signified giving up the right, privileges, and properties, not of a Corporation, but of private individuals themselves? Might not the same pressure be easily brought to bear to give up properties, rights, and privileges in the case of a Corporation which was brought on the inhabitants of Tipperary, making them give up their own private rights, privileges, and property? Therefore, he thought there was a great deal of force in the Amendment in its desire that there should be a very full expression of opinion upon it, and that there should be nine-tenths, or some other large portion of people, whose voice would be heard in this matter, and not a mere scratch majority acting on the compulsion of a political Party.

***MR. T. H. BOLTON** (St. Pancras, N.) suggested that it was necessary that, in some form, it should be defined how the consent was to be given, because otherwise consent would have to be given in each particular case according to Charter or Articles of Association, or whatever the governing constitution might be. He doubted very much, however, whether the constitution of any Corporation provided for its being deprived of its rights, privileges, or property; and if there was no provision for dealing with the matter, it would be almost impossible to ascertain how this consent was to be given. It would be almost like a winding-up, and, as special provision was frequently made as to the way in which winding-up should be carried out, so they ought in this case to insert a special provision, though he did not quite agree that so large a proportion as nine-tenths of the shareholders should be required for the consent.

MR. A. J. BALFOUR recommended his hon. Friend not to divide, because he was not at all certain that this Amend-

ment, if introduced, would not weaken the effect of the present restrictions—in other words, if certain Corporations would not be in a stronger position without the Amendment than with it. The Attorney General had implied that the universal method by which a Corporation signified assent to any proceeding was by a majority of voices; but, in many cases, he believed an absolutely unanimous decision was required; therefore, the positions of these latter Corporations would be weakened by the introduction of the words “nine-tenths.”

*SIR C. RUSSELL: I did not state that it was the universal rule. If the constitution of a Corporation points out a particular way by which consent alone can be given that must be followed.

MR. BARTLEY said, his object had been to secure that the consent should be the *bonâ fide* action of the Corporation as a whole, and perhaps it would be safer to leave it on the understanding that that was the case.

Amendment, by leave, withdrawn.

MR. PLUNKET (Dublin University) moved the following Amendment:—

Page 2, line 39, after “Legislature,” insert “and after a copy of the proposed law has lain for not less than forty days on the Table of both Houses of Parliament.”

He said: I hope the Government will have no difficulty whatever in assenting to these words being introduced. I have put them down in consequence principally of what was said by the Prime Minister in resisting the Amendment I proposed yesterday. The Prime Minister said the effect of this clause would be to give the British Parliament a distinct *locus standi* with respect to proposals that might be made affecting the Charter of Trinity College, and, of course, it would apply equally to other Corporations mentioned in this clause, and would, no doubt, also include the rights, privileges, and property which the Corporation enjoyed under its charter. But it is obvious there could be no such *locus standi* for the British Parliament in any effective sense, unless that Parliament had a full opportunity of knowing what the proposals were. I reminded the Committee yesterday with what difficulty Trinity College escaped in 1873, when we had a full opportunity of debating a Bill printed and laid before the House,

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and I can understand the difficulty there would be for any friends of Trinity College or any other threatened Corporation to bring such influence to bear as might prevent the British Ministry from advising Her Majesty to give the consent that was asked for. I will only further say that there would be this difficulty: that it might involve a conflict between the majority in the Imperial Parliament and the Legislature in Ireland whose addresses were to be dealt with, and that, too, on a point which by the very terms of this clause had apparently been conceded to it for its discussion and for the purpose of expressing its opinion thereon. All I have to ask is this: that either by the words I propose—and which are words introduced into very many Acts of Parliament—or by some other means the Imperial Parliament should have an opportunity of fully considering the law which it is proposed to carry in the Irish Legislature in order that effective force may be given to what the Prime Minister described yesterday as the *locus standi* he wished the Imperial Parliament should have for dealing with such legislative proposals referred to in this case, and which he said would be an effectual protection supposing that the defence he referred to previously were not sufficient. What I desire by these words is that the Imperial Parliament should have ample opportunity for considering what the proposals are before it is called upon to interfere in the matter.

Amendment proposed,

In page 2, line 39, after the word “Legislature,” to insert the words “and after a copy of the proposed law has lain for not less than forty days on the Table of both Houses of Parliament.”—(Mr. Plunket.)

Question proposed, “That those words be there inserted.”

*SIR C. RUSSELL: I think my right hon. and learned Friend must have misapprehended what the Prime Minister said yesterday. [*Cries of “Speak up!”*] The Prime Minister must have been referring to the power which resides in the Imperial Parliament.

MR. PLUNKET: I will read the words of the Prime Minister as they are reported. The Prime Minister had said that a threefold defence was provided in this clause for such Institutions as Trinity College, if there were any such danger, and what he said was this—

"First of all, the Irish Legislature could not be moved except with the consent of Trinity College. Beyond that there was another security—namely, the joint Address from the two Houses of the Irish Legislature. And there was a security which went beyond that still, because the language of the clause was that there must be the leave of Her Majesty upon an Address of the two Houses of the Irish Legislature. The effect of that must be to give to the British Parliament a distinct *locus standi* with respect to proposals that might be made affecting the charter of Trinity College."

SIR C. RUSSELL: Undoubtedly.
[Cries of "Speak up!"]

SIR H. JAMES: If the hon. and learned Gentleman would speak up we should be glad, as we are very anxious to hear what he has got to say.

SIR C. RUSSELL: I cannot doubt that this House would be in a position to be informed from day to day, or, if necessary, from hour to hour, of what the proposed legislation is upon which the Irish Parliament may be disposed to enter. My only fear is that they may be disposed to try and meddle too much with it, which I should deprecate. I therefore do not see what object could be secured by the provision enacting that a copy of the proposed law should lie on the Table of both Houses of Parliament for 40 days.

SIR H. JAMES: The Irish Legislature might act while this Parliament is not sitting. The Amendment provides that copies of the proposed legislation shall lie on the Table for 40 days, and that must be while Parliament is sitting, which would give 40 days in which Parliament could act.

MR. PLUNKET: I must say it is extremely inconvenient that a Member of the Government should endeavour to explain away and minimise the assurances that were given, upon the faith of which the Amendment was rejected. We were told distinctly we were to have a three-fold protection—first, the consent of the Corporation, though afterwards the Prime Minister put that as an alternative. He said it was one way in which it might be done, but then there were left these two protections: First, you must get the consent of the Irish Legislature; in the second place, you have the protection that the Imperial Parliament is to have a *locus standi* to interfere, and how can it interfere except by influencing the Minister who has to advise the Crown to

consent, and how can it interfere in that way unless seized of the knowledge of what is going to be done? Either this Amendment, or some Amendment on the same lines giving the protection required, should be inserted in the clause.

*THE SOLICITOR GENERAL (SIR J. RIGBY, Forfar): It is very unfortunate that in the absence of the Prime Minister an assurance given by him should be brought forward, but the right hon. Gentleman must bear in mind that he did not suggest he would amend this clause. He said nothing about amending; he was saying what the clause, according to his understanding of it, now is. There was to be the leave of Her Majesty, which would involve the advice of the Ministry of the United Kingdom, and by reason of that advice, and not by reason of the matter being brought up for discussion here, Parliament would get that control it has over all Ministries to prevent, if it has the power, or to censure if too late to prevent what has occurred.

MR. CARSON (Dublin University) feared they must come to the opinion that they might have any amount of declarations of safeguards, but no method for enforcing them; and it was a most extraordinary construction to put on the deliberate words of the Prime Minister. Yesterday, when he declared they were to have the full power of taking the sense of this House as to the consent of Her Majesty to tell them now they were to be satisfied with the mere declaration of the Prime Minister, but that nothing was to be put in the Bill to enable that declaration to be carried out. That was hardly a serious way of progressing with the business of this Bill. What they wanted to know was, how was Parliament to exercise control over that consent? and, as was pointed out by the right hon. Gentleman the Member for Bury (Sir H. James), if Parliament was not sitting, they would have no means of approaching the Government or the Executive in advising Her Majesty. The Government must see that they ought to have in this safeguard a real safeguard and a real power of Parliament interfering as to the giving or withholding of that consent. And he might suggest this to the Committee: that cases might arise where Her Majesty's Government might find dif-

faculty in themselves ascertaining what was the real view of Parliament as to the proposed legislation of the Irish Government, and surely in such a case as that nothing could be more reasonable than that Government should have the power, under the arrangement proposed by his right hon. Colleague, to take the sense of Parliament upon the proposed legislation. He hoped that the declarations that had been made would be carried out by the introduction of appropriate words in this section.

MR. A. J. BALFOUR (Manchester, E.): Are the Government not going to make any reply on this subject? There has been a double appeal made to them; an appeal on the importance of the case and an appeal upon the—I will not call them the pledges of the Government, but on the statements of the Government; both of these appear to me to be unanswered. On the merits of the case it is evident it is a safeguard inoperative so far as Ireland is concerned, but it is one in conformity with our practice and habits, and would enable this House and the other House to express their decision on the subject and give the direct guidance of public opinion to the Ministry of the day; and if that power be not granted, what hold has this House on these matters? It has the hold of a Vote of Censure on the Ministry; its power of stopping injustice is this: Some time in September the two Houses of the Irish Legislature pass a Resolution praying that Trinity College be disestablished; that comes before the Ministry in October; they give their consent, and in November it is disestablished. This House meets in February, and its remedy is to pass a Vote of Censure and turn the Government out of Office and appeal to the country. That kind of safeguard is a farce. Therefore, on the merits of the case—which, I suppose, may have some weight with gentlemen opposite—it appears to me it would be advisable, expedient, and perfectly safe from the Irish point of view that these words should be added. What is said about the second line of attack? We had a Debate yesterday, admittedly of the first importance, on the future of this great Educational Body. The Government assured us there was no danger. The Prime Minister explained what he regarded as the safeguards

under which Trinity College might flourish. If the Government do not like the Amendment let them, at all events, suggest words of their own by which their own object may be adequately accomplished. I quite agree with the Solicitor General that the Prime Minister did not promise any Amendment, but he dealt with the Amendment before the Committee on the ground that certain safeguards were to be applied, and my right hon. and learned Friend showed it was necessary to adopt this or some Amendment like it. I will not say the honour of the Government is involved, but they are throwing some discredit on their own assurance if they prevent us relying with absolute confidence on the statements made by the Prime Minister. I am sure the Government would be consulting their own credit if they turn a favourable ear to the not unreasonable request of my right hon. and learned Friend.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.): I should not have intervened upon this Amendment, which, I confess, is an important one, if it were not that the right hon. Gentleman thought fit to challenge the good faith of the Government.

MR. A. J. BALFOUR: No; I did not go that length.

MR. ASQUITH: At any rate, the Member for the University of Dublin stated that the Committee voted yesterday on the faith of the assurance given by the Prime Minister. I call that a charge of bad faith; and that charge having been made, I think it incumbent upon us to meet it.

MR. PLUNKET: I never said the Prime Minister promised any Amendment, but I said that he obtained a vote on the assurance that such a thing should be done, and I now ask that practical effect should be given to that assurance.

MR. ASQUITH: So should I if that were what the Prime Minister said. What he said was that the security existed, not that it would be provided; and what was the security he said existed? He said it was that this Imperial Parliament would have a *locus standi* in the matter. That has been construed by the Leader of the Opposition and the right hon. Gentleman the Member for the University of Dublin as

amounting, in effect, to a declaration on the part of the Prime Minister that something that did not exist in the Bill ought to be introduced. When the Prime Minister said that Parliament had a *locus standi*, what did he mean? He meant that this Imperial Parliament, in a matter which would depend on advice given by the Imperial Ministry to the Crown, would have the same power of checking, controlling, and censuring their action that it has in relation to any other action of the Executive. The right hon. Gentleman has put the case in which advice might be given to the Crown during the Recess. Is that the only case under the Constitution in which the same thing might happen? I will give a much more serious case. Parliament might not be sitting, and the Executive Ministers of the Crown might declare war, and what control have you except that of censure and dismissal. You may say that is an imperfect and ineffective control, but it is the control known to the Constitution, and is what the Prime Minister meant, and, I venture to say, was so understood by the Committee. ["No, no!"] Well, they ought to have so understood it. I say, therefore, the Imperial Parliament having that power could exercise it just as effectively in this case as in any other, and it would have, what has not hitherto been adverted to, the additional power of not only censuring the Ministry that has assented to an improvident exercise by the Irish Government of the power given, but of undoing by an Act of this Parliament that which ought not to have been done. A more complete security than that could not be required.

MR. GOSCHEN (St. George's, Hanover Square): The right hon. Gentleman has now plainly shown us this control we are supposed to have is practically a nugatory control. What we meant was that we should have an effective control. My right hon. Friend has shown how, if Parliament is not sitting, that control would be entirely lost and nugatory, and the Home Secretary replies that in case of war Parliament would not have the authority to stop it. Wars cannot wait for the action of the Imperial Parliament, and if matters of danger should occur to the nation the Executive must act; it is necessary that some expedition in repelling an invasion should take place, but

in passing an Act for the disestablishment of Trinity College, what hurry is there? Take the case stated by my right hon. Friend—the matter has been dealt with by the Irish Parliament in September; Trinity College has been disestablished; new regulations have been made, and it is suggested that this Parliament can undo all that and put matters back to their former position. It is trifling with the Committee to quote such an argument as that. The right hon. Gentleman is a member of the University of Oxford. I would like to know what he would say of giving power to Scotland and Ireland to deal with the University of Oxford, and then six months afterwards put matters back in their former place, and repeal the Acts that have been passed.

MR. SEXTON (Kerry, N.) said, that before the Irish Legislature could interfere with any Corporation they would first have to address the Crown by both Irish Legislative Houses. These Addresses having been obtained the Crown would have to give leave, and when that leave was given that would only be the beginning of the legislative process. After that, there would have to be a Bill which would have to pass both Houses, and receive the Royal Assent. If, after leave of the Crown had been given, it appeared that the Bill was in direct opposition to the will of the House of Commons, it was perfectly clear it could be vetoed. The safeguards already existing were amply sufficient, and the Amendment and the speeches that had been made by the Opposition was trifling with the patience of the Committee.

***MR. COURTNEY** (Cornwall, Bodmin) said, he would recall to the memory of some Members what appeared to him a complete illustration of the question at issue. In the year 1866 there existed a University in Ireland, with certain privileges and rights. The Government were on the eve of defeat, if they were not defeated, when they advised the issue of a Supplementary Charter, altering the rights and privileges of that University. The Government went out; the thing was done; the mischief was complete.

MR. SEXTON: Did that require a subsequent law?

*MR. COURTNEY said, that happily the thing came to nothing, because the Vice Chancellor held on appeal that the Charter was void in point of law. But what did Parliament do? It passed a Statute requiring that, in future, before a Charter of a University was issued it should lie on the Table of the two Houses. That was a precise illustration of what was now demanded, and he was ready to leave the argument there.

Question put.

The Committee divided :—Ayes 261 ; Noes 307.—(Division List, No. 163.)

MR. PARKER SMITH (Lanark, Partick) rose to move in page 2, line 40, leave out "without due process of law." He said, hon. Members would see his object by reading the sub-section dealing with Corporations. The sub-section was already very complicated, and the Amendment would have the effect of rendering it simpler. He might assume that the Government would be willing to accept the words used in the previous sub-section, "in accordance with settled principles and precedents."

SIR C. RUSSELL nodded assent.

MR. PARKER SMITH said, he was glad to find that that was so, as it would strengthen the clause to have those words used. The Corporations would not have sufficient protection if the words were not included. The case of the Corporations was different from that of persons whose lives, liberty, and property would be affected, for that case could remain under consideration; the Corporations being few, there would be time to submit the whole case to the Government, and to settle it by the appeal to Her Majesty. He was not going to repeat what had been said, or to go over the same ground again in regard to the words "due process of law;" but he would impress upon the House that the vagueness of the phrase was much more serious where the Corporations were concerned than it was in the other case. He would like also to put a question to the Attorney General. "Due process of law" covered procedure, and procedure only. But in this case they wanted to deal with the substance of the law, and to make sure that the substance of any general law passed in Ireland by the new Legislature would not work injustice to any of these

Corporations. The Irish Legislature might alter the law generally, and then two or three years afterwards declare that by the law thus altered Trinity College had lost its Charter. If they believed that the clause at present allowed the Irish Legislature to pass Acts upon questions of this kind, they would acknowledge that a very special check was required. There might be an Address to the Queen, or they might use the power of veto, a weapon which would cause much greater irritation than the method now proposed. He thought they would see the advantage of his Amendment, which he now begged to propose.

Amendment proposed, in page 2, line 40, to leave out the words "without due process of law."—(Mr. Parker Smith.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

*THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar) said, the Government felt bound to insert the words "in accordance with settled principles and precedents;" but that was the extent to which they could go. When they could not assent in the case of Trinity College, how could they assent in the case of the other Corporations? The words "due process of law" had been discussed *ad nauseam*, and he thought the House would see that it was necessary to give some control to the Irish Legislature where these Corporations were concerned.

MR. CARSON (Dublin University) said, there was one matter that might be cleared up, and which might show that the difference between the Government and the hon. Gentleman who had moved the Amendment was not so great after all. He would like to know was it the intention of the Government that where a Corporation consented, or the leave of Her Majesty was concerned, there was to be no "due process of law"? He thought they were to have "due process of law" in all cases; but now they found that that was not so, because by reason of the Resolutions for which provision was made they would dispense with "due process of law." An Act of Parliament would be required to give that process; but the Resolutions would not give it. By that he gathered that they would be really in a worse position

than they were in before, for by the Act they would have a safeguard of "due process of law." He thought they ought to have some method for dealing with rights under the clause. The House could not contemplate giving a power to the Irish Legislature to carry out without "due process of law." If the due process was to be applicable, he would advise the withdrawal of the Amendment, for then they would have an additional security. He hoped they would hear from the Government whether that was to be the construction of the section. If they had not due process, as he had said, they would be in a worse position.

*MR. W. KENNY (Dublin, St. Stephen's Green) said, he might put the question of the hon. and learned Gentleman in another form—were there three ways by which Corporations could be deprived of their rights—namely, by consent, by address, and by due process of law?

*MR. TOMLINSON (Preston) said, he would ask what there was left for "due process of law" to operate upon in this sub-section? The words of the previous sub-section were wide enough to include Corporations, and his understanding of the present sub-section was that it was intended to allow of arbitrary dealing with Corporations.

MR. MACARTNEY (Antrim, S.) said, he thought the Solicitor General should reply to the questions addressed to the Government.

*SIR J. RIGBY: I have already replied on the Amendment.

MR. MACARTNEY said, he was not aware of that.

*SIR J. RIGBY: I cannot hold out any hope that the Government would apply the words "due process of law" in the manner that has been suggested. It was felt that Corporations, if they were to be dealt with, were not to be deprived of liberty or property without due process of law. Why should a Corporation be better off than a private individual in that respect? It was intended to secure the rights of Corporations, but it may be that they are less secured than they were meant to be. The words used, we admit, are not quite an accurate definition of our meaning; but we felt there might be a number of cases in which legislation might take place by consent, because it might be considered

desirable to change the constitution of a Corporation by giving up certain rights or adopting others. There may be cases in which the Corporation would not consent, and to deal with those we substitute the leave of Her Majesty. If we did not do that we should leave in "due process of law." We are ready to modify the clause, and to put in the words added to the preceding section.

MR. A. J. BALFOUR: I do not know whether my hon. Friend desires to go to a Division. My own feeling is that the sub-section is in such a state of hopeless confusion that it is impossible to make out what the Government mean to do or have done. The Solicitor General says it is the business of the Court of Law always to make sense of an Act of Parliament. Well, Courts of Law will have a very admirable field for their efforts if this sub-section ever comes before them. Though I have devoted such powers of mind as I possess, first, to understanding the sub-section, and then the gloss the Government have put on it, and, again, the gloss they have put on the gloss, I have been unable to succeed. Therefore, I do not think we shall be doing any good to the Corporations we desire to protect by leaving out the words, especially as, when the matter is cleared up, we may find "due process of law" a safeguard. I do not know whether it will be or not. I think it will; at any rate, I feel some reluctance to vote against words which, when the dawn breaks in upon us and we know what the meaning is, and the sub-section is presented to us in grammatical and lucid English, we may find very useful. Under the circumstances, I doubt the desirability of asking the Committee to determine the Amendment by a Division.

Amendment, by leave, withdrawn.

MR. BUTCHER (York) said, he had a proposal down to amend the clause by inserting in line 41, after the word "Law," the words—

"According to the settled principles and precedents from time to time existing in England."

It might not, however, be necessary to move it, as the Government, he thought, intended to propose words to carry out the object in view.

*SIR C. RUSSELL said, that doubtless some alteration of the sub-section had been rendered necessary by the Amendment the Government had accepted in the case of Sub-section 3, by agreeing to the insertion of the words "in accordance with settled principles and precedents." They were now willing that those words should be inserted in this sub-section.

Amendment proposed,

In page 2, line 41, after the word "law," to insert the words "according to the settled principles and precedents from time to time existing in England."—(*Sir C. Russell.*)

Question proposed, "That those words be there inserted."

MR. J. REDMOND (Waterford) said, he did not wish to renew the controversy that took place the other night on these words; but it must be remembered that a strong feeling was entertained by a large number of Irish Members as to the insertion of the words, that a Division was taken, and that a large number of English Members agreed with them. Objectionable as the words were in the previous sub-section they were more so now. He was not sure what the exact effect of them would be; but if the effect should be to prevent the Irish Legislature from dealing with the property of Corporations in Ireland, such as the London Companies, on the principle, say, of compulsory purchase, which it might be held was not in accordance with "settled principles and precedents," the insertion of the words would be extremely objectionable.

MR. GIBSON BOWLES (Lynn Regis) [*Cries of "Divide!"*] said, it had been rendered quite clear by what the Solicitor General had told them that whatever else might be the effect of the clause, one effect would be to enable Her Majesty's Government to dispense with "due process of law." The hon. and learned Gentleman had told them that either in case of the consent of the Corporation or of the Queen following on an Address being obtained "due process of law" would not have to be observed. The object of the provision in the American Constitution was precisely the reverse. In this Bill the words would enable the Legislature to dispense with due process of law; but in the American Constitution their effect in the only place in which they were present was to pre-

vent the Executive from interfering with due process of law. [*Cries of "Divide!" and "Question!"*] He hoped the Committee would appreciate the extraordinary muddle the Government had got themselves into by dragging in these words from the American Constitution.

MR. SEXTON said, he only wished to say that he did not think the insertion of the words here added anything material to the great harm already done by their insertion in Sub-section 5, because he believed that the insertion of the words in Sub-section 5, so far as the land was concerned, would prevent the application of the principle of compulsory sale upon any reasonable terms either to the lands of the London Companies or of any other landlord in Ireland.

Question put, and agreed to.

MR. CARSON (Dublin University) said, he wished to amend the clause by inserting—

"Provided always that in the case of Corporations constituted for the purpose of holding property of any Church or religious denomination, or the ministers of the same, the said Irish Legislature shall not be at liberty to make any law affecting or otherwise to interfere with such Corporation or the property vested in the same."

This Amendment had been put down with a view to excepting from the powers of the Irish Legislature the Representative Church Body of the Church in Ireland. Of course, he had not framed the Amendment in those terms, because he was willing that the same exception should be given to all other Corporations who held property for any Church, for any creed, or for any religious denomination, or for the ministers of the same. Having regard to the discussion which had taken place on the previous portions of the section, he hardly thought that the Government had any intention otherwise than to exclude from the Irish Legislature any power whatsoever over the Protestant Church in Ireland. He did not know what they intended to do in regard to the Amendment; but he hardly thought for a moment that the Committee would sanction the Irish Legislature—which had been already prevented from making any law respecting the establishment or endowment of religion whether directly or indirectly, or prohibiting the free exercise thereof

—interfering either with the constitution of the Representative Church Body or their mode of dealing with their own endowments. This Representative Church Body was formed at the time the Irish Church was disestablished as a Corporation for the purpose of holding the funds given as compensation, and other funds received from private donors. All he asked was that this Body should be allowed to continue unimpaired; and if the concessions the Government had made on the third sub-section had covered the point he should not have moved the Amendment. No doubt it would prevent the property being put to any other than religious uses; but whether those uses need be the same as those to which it was at present applied he could not say. The Government, he thought, would admit that that was their intention; but that did not sufficiently effect the protection he desired to see effected, and without his Amendment it would be possible for the Irish Legislature to interfere with the Representative Church Body in a way which would make the position of that Body absolutely intolerable. They might make a law dealing with the constitution of that Body in many ways, and interfering with its discipline and regulations.

Amendment proposed,

In page 2, line 41, after "law," insert the words—"Provided always that in the case of corporations constituted for the purpose of holding property of any Church or religious denomination, or the ministers of the same, the said Irish Legislature shall not be at liberty to make any law affecting or otherwise to interfere with such Corporation or the property vested in the same."—(*Mr. Carson.*)

Question proposed, "That those words be there inserted."

MR. T. W. RUSSELL said, that every word the hon. and learned Gentleman had said about the Church Representative Body applied to the General Assembly of the Presbyterian Church. That Body also held property for the benefit of the Presbyterians of Ireland. He cordially joined in the Amendment proposed as safeguarding the rights of that Body.

MR. J. MORLEY : The Amendment, as it stands, is obviously too wide, and I think the hon. and learned Member will perceive this when I point out that

under the Amendment it would not be competent for the Irish Legislature to enact any land legislation affecting, for instance, the Church of Ireland. More than that, the Irish Legislature would not be able to make any law affecting Railway Stock; for, as I am informed, that Church possesses investments in such Stock. The Irish Legislature, under the Amendment, would, therefore, have to make a special exemption of Railway Stock held by the Church of Ireland or any other Church Body. Such a prohibition as that can hardly be seriously defended. I am glad the hon. and learned Gentleman admits that his object is more than partly met by the words which have been introduced into the 3rd sub-section. I agree with the hon. and learned Member that the word "divert" is probably not the most felicitous word that the draftsman could have chosen. So much for property. As to the remark of the hon. and learned Member that the Government have not used words affecting the constitution of the Church Body, I would only say I do not conceive it to be possible that the Irish Legislature would be at all likely to even try to pass any law prejudicially affecting the constitution or organisation of the Church of Ireland, or of any other Religious Denomination. That is the intention of the Government, and I believe it is the intention of all sections of the Committee; but I am inclined to think, and I am advised by legal authorities, that the possibility of making any law so affecting the constitution or organisation of the Church against the will of that Church is provided for under the clause as it stands. The Government, however, will not be disposed to refuse the insertion in the sub-section, after the word "diverting," of the words "or prejudicially affecting the constitution." That addition would probably meet the object of the hon. and learned Member. It would carry out the intentions of the Government, and it would not, I believe, be unwelcome—certainly not repugnant—to the wishes of any section of the House. Therefore, when the proper time comes, I shall be prepared to insert the words I have mentioned.

MR. CARSON said, he did not quite agree that the making of a Land Law

would be subject to the provision he proposed; but as his only object was to secure protection for the Representative Body of the Church of Ireland, he would suggest that the word "prejudicially" should be withdrawn, and that the words "diverting the property or affecting the constitution" be inserted. He would also propose that the words "without consent" should be included.

Mr. J. MORLEY thought they ought to adhere to the word "prejudicially," which had been used in the Bill in two other instances.

Mr. PENROSE FITZGERALD (Cambridge) wished to know if it would be possible to add after "constitution" "and rights"? There were at the time of the Disestablishment of the Irish Church in many parts of Ireland burial grounds adjacent to the churches, in respect of which certain fees and tolls were levied. It seemed to him that under the clause, even as proposed to be amended, the Representative Church Body would be out of court in regard to those fees.

Mr. SEXTON: The Governing Bodies of Churches are Corporations, and their rights are protected under the clause as far as they need be. At any rate, I should greatly object to so vague a term as "rights" in a paragraph which proposes that the Irish Legislature shall not, under any circumstances, deal with these matters. The hon. Gentleman (Mr. Penrose Fitzgerald) goes far beyond the scope of the proposal of the hon. and learned Member for the University of Dublin, who has never yet erred in being too limited in his proposals. The hon. and learned Gentleman points out that we have really agreed that legislation as to the property of any Religious Bodies should be shut out, and he desires that the Governing Bodies of the different Protestant communities in Ireland should be free to continue to discharge their functions as such Governing Bodies without any intervention by the Irish Legislature. I am certain that neither the Irish Legislature nor the Catholic people of Ireland would ever desire to interfere in the slightest way with the government of Protestant Religious Bodies in Ireland. The only doubt I have is whether either of the words proposed accomplish what is desired and do nothing more. We all know that the

individuals composing the Governing Body are subject to the ordinary law, and that the Governing Bodies, except in the discharge of their functions as such, are subject to the ordinary law. I would suggest that the words which should be put in are that "the Governing Bodies as such Governing Bodies" should be excluded.

Mr. T. W. RUSSELL said, the words "prejudicially affecting" were certain to give rise to legal proceedings which would be costly, whereas the words "with the consent of the Body" could not be misunderstood by anybody. He was not quite sure that the Presbyterian Church was in the same legal position as the Representative Church Body; but, at any rate, it held a great deal of property.

Mr. J. MORLEY: As the hon. Member for North Kerry has said, we are all agreed as to the object in view, and I will promise to consider the point between now and the Report stage, and to see whether the words "without consent" can be inserted.

Mr. A. J. BALFOUR: I trust that that statement will be accepted. I hope that in considering the words to be inserted the right hon. Gentleman will recollect that it would be inexpedient to entrust the Irish Legislature with power to affect the constitution of these Bodies, leaving it to the Courts afterwards to determine whether or not the Bodies were prejudicially affected. The majority in the Irish Parliament very naturally and properly will be Roman Catholics, and they should not have power to deal with these Bodies prejudicially or beneficially.

Mr. KNOX (Cavan, W.) moved the insertion in line 41, after "law," of the words "or, in the case of property, just compensation." He said, that after studying the sub-section for a long time, and referring to, he supposed, several hundred American decisions, he had come to the conclusion that as the sub-section now stood it would be impossible under it for the Irish Legislature to take the land of a Corporation even for a railway. He felt convinced that if they wanted to make a railway, say through the property of Trinity College, Dublin, they would have to obtain permission from the Imperial law.

MR. CARSON (Dublin University) : So you ought.

MR. KNOX said, whatever was the hon. and learned Gentleman's opinion, he thought the majority of the Committee was of opinion that the Irish Legislature should be authorised to take land for railways in Ireland. The words he proposed could do no harm, and he earnestly hoped the Government would accept them, as the sub-section as it stood might otherwise give rise to great trouble.

Amendment proposed, in page 2, line 41, after the word "law," to insert the words "or, in the case of property, just compensation."—(*Mr. Knox.*)

Question proposed, "That those words be there inserted."

MR. SEXTON (Kerry, N.) expressed a hope that the Government would, if they could not accept the words now, consider them before Report.

*SIR J. RIGBY said, that should be done. He was not prepared to say that the words would be adopted, because there might be cases to which they would not apply. But if any form of words or any modification of the Amendment could be put into the clause on Report, he would communicate with the hon. and learned Gentleman on the subject.

MR. A. J. BALFOUR: Of course, I make no objection to the course proposed by the Government, but I would point out that if the words are accepted as proposed, there would be power on the part of the Irish Legislature to kick Trinity College out of its present buildings and to take St. Patrick's Cathedral from the Church of Ireland—of course, after giving just compensation. I hope the Government will take this point into view in considering the Amendment.

Amendment, by leave, withdrawn.

MR. COCHRANE (Ayrshire, N.) said, he begged to move, in page 2, after line 41, to insert—

"Whereby any undue preference, benefit, or advantage is given to or conferred, directly or indirectly, upon any person, body of persons, class, body corporate, or institution; or."

In an earlier Debate he had moved to delete the word "prejudicially" as applied to Sub-sections 3 and 4 in the sense referred to a few moments ago.

His object had been to prevent the Irish Legislature from interfering with the right to establish or maintain any place of denominational education, or prejudicially affecting any Denominational Institution or Charity, or from affecting the right of any child to attend a school receiving public money without attending the religious instruction at that school. His Amendment had not been accepted, though there had been indications of assent on the part of the Prime Minister. Well, the Irish Legislature could not legislate "prejudicially" affecting these Institutions; but it was still open to them to legislate beneficially for certain schools or scholars or Denominational Institutions. Obviously, great injustice might be done by a preferential use of this power. In the Debate on his earlier Amendment the First Lord of the Treasury had indicated his willingness to accept some comprehensive Amendment dealing clearly and unequivocally with the subject of preference. The right hon. Gentleman saw the injustice of undue preference, as also did the Chancellor of the Duchy of Lancaster, judging from what he had said in the book which had been so extensively quoted in these Debates, and which he (Mr. Cochrane) himself had read and re-read, and which he took every opportunity of advertising in the interests of the Unionist Party. In the chapter on Social Institutions the right hon. Gentleman said—

"Religious persecution, even in its milder forms, such as disqualifying the members of a particular sect for public office, is, it conceives, inconsistent with the conception of individual freedom, and the respect due to the primordial rights of the citizen which modern thought has embraced. Even if State action stops short of the imposition of disabilities, and confines itself to favouring a particular Church, whether by grants of money or by giving special immunities to its clergy, this is an infringement on equality, putting one man at a disadvantage compared with others in respect of matters which are not fit subjects for State cognisance."

That showed clearly how, if the Irish Legislature had power to grant preferences, and beneficially affect certain schools or scholars or trades or industries, they would thereby be imposing a hardship and an injustice on other schools and scholars, and other trades and industries. Therefore it was that he (Mr. Cochrane) brought forward his present Amendment. The Prime Minister on the previous occasion had said—

"We ought to legislate clearly and unequivocally against preference."

He went on to say—

"And what we do think is that it is much better to legislate against preference by one comprehensive provision than to do it piecemeal and in fragments."

He (Mr. Cochrane) ventured to submit that his Amendment was a comprehensive one, embracing all cases that were likely to arise; therefore, it exactly chimed in with the view of the Prime Minister. He should have been gratified if the small Amendment he had brought forward on the previous occasion had been accepted, but he could quite understand the Prime Minister with his superior knowledge and experience taking a broader view of the subject and desiring to see it dealt with in a more comprehensive and businesslike way. Speaking in the Debate to which he had already referred and following the Prime Minister the right hon. Gentleman the Member for West Birmingham had said—

"Even if the word" (that was "prejudicially") "were struck out it would be possible, indirectly, to give preference to one denomination over another."

And it was to avoid this indirect preference that the First Lord of the Treasury subsequently added in explanation of what he had said—

"What I said was that the most effective manner of proceeding was to deal with the question of preference in one enactment and not in several; and that the Government were not so attached to their own language as to refuse, if that language required enlargement, to give a favourable consideration to an Amendment having that object."

These words of the Prime Minister led him to hope that the Amendment would meet the right hon. Gentleman's views. He believed that it would meet the views of hon. Gentlemen who supported the Government. They would note that he used the words "undue preference," and he had no doubt they would sympathise with his desire to prevent unfair and unjust advantage being conferred either on individuals or institutions by premiums or grants or other methods. He was not asking the Committee to assent to anything which was not to be found in our own laws. The words he had adopted occurred constantly in some of the most salutary Statutes that existed in this country. For instance, in the Ele-

mentary Education Act, c. 75, sec. 97, dealing with religious instruction, they found the words—

"Shall not give any preference or advantage to any school on the ground that it is or is not provided by a School Board."

And very striking words were also contained in the Railway and Canal Traffic Act, 1854, 17 & 18 Vict., c. 31, namely—

"No such company shall make or give any undue or unreasonable preference or advantage."

So that the words he proposed were words which were directly present in their own legislation, and the adoption of them could not be putting an insult on the Irish Legislature. The Amendment was proposed merely for the purpose of making the measure more effective, and in bringing it forward he was dealing with the Irish Members as men of common sense and with the Irish Legislature as an Institution which should be restrained as the British public were themselves restrained. The right hon. Baronet the Member for the University of London had given an illustration of undue preference which would be apposite in this instance. He had said that premiums might be put upon whisky in Ireland which would increase the consumption, the Excise Duty would be receivable in Ireland, and the Customs of the Imperial Parliament would suffer. The statement they had heard to-day as to the Financial Clauses would upset anything of that kind; that it would be possible for undue preference to be given to certain districts in the form of Poor Law relief. Scandals of this kind, it would be remembered, had been exposed by the Inquiry Commission in 1886, when it was shown that in the Turlough Electoral Division more persons had been relieved than the gross population. Finally, he would give an American illustration of preference. The Report of the New York Commissioners of 1876 stated—

"Cities were compelled by legislation to buy lands for parks and places because the owners wished to sell them; compelled to grade, pave and sewer, streets without inhabitants, and for no other purpose than to award corrupt contracts for the work. . . . Laws were enacted abolishing one office and creating another with the same duties in order to transfer official emoluments from one man to another, and laws to change the functions of officers with a view only to a new distribution of patronage."

He would not accuse the Irish Members of having any desires in the direction pointed to in that extract, but it was clear that abuses which had arisen under the American Constitution might arise in Ireland unless sufficient precautions were adopted. He moved the Amendment standing in his name.

Amendment proposed,

In page 2, after line 41, to insert the words "whereby any undue preference, benefit, or advantage is given to or conferred, directly or indirectly, upon any person, body of persons, class, body corporate, or institution; or."—*(Mr. Cochrane.)*

Question proposed, "That those words be there inserted."

MR. J. MORLEY: The hon. Gentleman has given, on the whole, an accurate account of the circumstances which no doubt led him to move this Amendment. What happened was this: We were discussing under Sub-section 2 the question of excluding from the competency of the Irish Parliament preference on account of religious belief. We are agreed that preference of that kind was not one which the Irish Parliament would be likely to exercise, or, at all events, ought to be allowed to exercise. Thereupon, my right hon. Friend the Member for West Birmingham pointed out that the preference on account of civil matters ought to be excluded from the legislative field of the Irish Parliament as well as preference on account of religious belief. The Prime Minister accepted that as a perfectly just criticism, and as one which was not at all absent from our own minds, and my right hon. Friend agreed that we ought to adopt some sub-section which would carry out that intention—namely, that we should extend to preference in civil matters the same prohibition which we had already applied to religious beliefs. But my right hon. Friend's words do not carry so much as the hon. Member who moved the Amendment said they do carry. They did not go beyond what I have said, and I do not think I have diminished their meaning or extent in any degree. Sub-section 2 of the clause as it now stands enacts that the powers of the Irish Legislature shall not extend to the making of any law

"imposing any disability, or conferring any privilege, advantage, or benefit on account of religious belief."

But I think, instead of accepting the Amendment of the hon. Member, we would be carrying out the undertaking of the Head of the Government by moving to add to Sub-section 2, or if it should seem better, to insert between Sub-sections 4 and 5, some such words as these:—

"Or imposing any disability, or conferring any privilege, benefit, or advantage on any subject of the Crown, on account of parentage or place of birth, or upon any corporation or institution carrying on its operations in Ireland on account of the persons by whom or in whose favour such operations are carried."

MR. J. CHAMBERLAIN (Birmingham, W.): In the first place, I have to recognise the spirit in which the Government have met the Amendment of my hon. Friend, and to say that they have endeavoured very fully to carry out the understanding which was arrived at when we were discussing this question of preference under Sub-section 2. I am speaking of intention only; but I believe there is no difference between the two sides of the House on the two points which are raised by the suggestion of my right hon. Friend the Chief Secretary. First, on the minor point as to the place the Amendment should go, I would remind my hon. Friend that Sub-sections 1, 2, and 3 deal with religious or denominational preference, and the object of the Committee and the Government is to deal with preference generally. Therefore, it would be extremely inconvenient and incorrect as a matter of drafting to insert a general provision between two particular provisions. It would be much better if the Amendment came as a separate sub-section after those dealing with religion and before the one dealing with Corporations. But that, as I have said, is not a matter of importance. We can deal with it easily if we are entirely agreed as to the meaning of the Amendment itself. I must remind my right hon. Friend of the intention of the Government as expressed by the Prime Minister. I think my right hon. Friend intended, in the first place, to prohibit legislation showing undue preference generally—not undue preference on religious or denominational grounds alone; but undue preference between persons, parties, classes, sects, Corporations, and Institutions; and, in the second place, my right hon. Friend thought there might be undue preference

of an indirect kind, and against that he expressed himself desirous of legislating. I will read what I said on June 14, when we were discussing this question before. I said—

"Indirect preference was to be feared not merely in the case of different sects, but also in questions affecting persons and parties and trade. It was possible to give undue preference to a particular trade, and he took it that the Government would desire to prevent that. There was a parallel case in our railway legislation, which raised one of the most difficult questions of preference that could be considered. His right hon. Friend was doubtless aware that in the Railway Acts there was a clause providing against undue preference, and the definition of what was undue preference was left to the decision of the tribunal. It was well that they should not deal with the question *ad invidiam* as against possible sectarian preference, but should have regard also to other forms of preference in other matters."

This view was assented to by the Government, and thereupon my hon. Friend the Member for Ayrshire withdrew the Amendment he had moved. At a later period of the same Debate the Prime Minister, referring to my remarks, said—

"The right hon. Member for West Birmingham had referred to the question of indirect preference as well as direct preference. There was considerable force in the contention of his right hon. Friend, and indirect preference was not an improper object for the consideration of the Committee. But whether indirect preference or not, there ought to be the means of bringing under the consideration of a public tribunal the question whether that indirect preference existed or not. There might be instances where interference with indirect preference would be most vexatious; but if it were real, and could be established before a tribunal under proper conditions, there was no reason why it should not be considered."

Later on my right hon. Friend said—

"The faces of the Government are set against preference on behalf of any section."

And he also said—

"It was better to legislate against preference by one comprehensive provision than to do it piecemeal."

I think I have made it clear from these quotations what were the intentions of the Government, and what were the promises made to my hon. Friend the Mover of the Amendment. I wish now to call attention to the words proposed by the Chief Secretary. I do not think they go so far as even he himself intends. It will be observed that there are two limitations in these words. In the first place, the words "undue pre-

ference" are not used. It would be well, I think, to retain the words "undue preference." But the chief limitation in the words proposed by the Government is contained in the words "on account of parentage or birth." Accordingly, so far as persons are concerned, we would be dealing with undue preference, whether it was directly made in consequence of parentage or birth or not; and the person aggrieved would have to show that the preference was on account of parentage or birth, which in many cases it would be difficult for him to do. What the Government have in view is undue preference to Irish as distinct from British citizens; but, of course, the Irish Parliament would not put it on the face of an Act of Parliament that it was on account of a man being British that they proposed to use undue preference against him. Therefore, it will be impossible for the aggrieved person to show that there was undue preference against him on account of birth or parentage. It is the same with regard to Institutions and Corporations. The words of the proposal dealing with Institutions and Corporations are wide enough; but when the undue preference is limited to preference conferred on account of persons or place the Institution aggrieved would have to show that the preference was distinctly given on account of their personality or the place where the Institution is carried on, which would also be a difficult matter. In Sub-sections 2 and 3 the Government dealt with direct preference; and that the Committee have still to deal with indirect preference. Indirect preference, such as to one denomination over another, cannot be proved, because it would be given, not on account of the persons or the locality of an Institution, but on account of their creed or religious opinions. I have shown that the understanding arrived at cannot be carried out by the words moved by my hon. Friend the Member for Ayrshire. There is one objection that might be taken to the Amendment moved by my hon. Friend the Member for Ayrshire, which otherwise seems to cover everything and not to go too far. It might be said that it would cover cases of foreigners; but a little alteration would limit its operation to subjects of the Crown and Institutions carried on in the United Kingdom. With that exception

I do not think the Amendment of my hon. Friend too wide ; but I see clearly that, under the words proposed by the Government, undue preference could be exercised in a large number of cases.

COLONEL NOLAN (Galway, N.) said, the right hon. Gentleman the Member for West Birmingham had supported the Amendment in a very temperate speech ; but in his first speech on the subject—which he remembered very well—the right hon. Gentleman used very strong language indeed. The right hon. Gentleman referred to the manufacture of boots and clothing in Ireland.

MR. J. CHAMBERLAIN : I beg the hon. and gallant Gentleman's pardon. I remember well the speech to which he refers. It was not on this question it was made, but on the question of bounties.

COLONEL NOLAN apologised for the mistake he had made. As to the Amendment of the hon. Member for North Ayrshire, he thought it most objectionable. The hon. Member said a great deal of money had been abused by Irish Poor Law Boards. That was so ; but one reason why the money was squandered was that the Imperial Parliament was unable to look closely after these Boards, a matter which the Irish Parliament would be able to do much better. These Poor Law Boards were voted large sums of money because there was great scarcity, amounting almost to famine, in some of the Western districts of Ireland. Periods of exceptional distress might occur again, and was the Irish Parliament to be debarred from taking measures to cope with the distress ? But he looked upon the Amendment suggested by the Government as much more dangerous. He had no objection to raise to the first part of the Amendment. He thought it perfectly right that every Englishman or Scotchman who lived long enough in Ireland to qualify himself for the franchise should have all the privileges of an Irishman ; and that the Irish Parliament should not be able to pass any law which would do him injury of any kind or description. But he should like to know clearly the effect of the second part of the Amendment, which referred to Corporations or Institutions. Would it prevent the Irish Parliament establishing a fishery school in the West of Ireland, or opening agri-

cultural schools throughout the country for the purpose of showing the peasantry how to make the most of their land, or of teaching them how to make peat in competition with the Dutch production of that article ? If the Amendment would prevent the Irish Parliament doing these things he would object to its insertion in the Bill. He did not think the Irish Parliament would have a large amount of money to spare under the financial proposals, but they would try to the extent of their abilities to improve the industrial productions of the country.

MR. RENTOUL (Down, E.) said, the hon. and gallant Member for Galway always addressed the House in a fair and conciliatory spirit. He did not think the matters referred to by the hon. and gallant Gentleman would be touched in the slightest degree by the Amendment. He did not think that any tribunal could possibly hold that the establishment of a fishery school at Galway, where fishing was a great industry, to the exclusion of an inland county like Armagh, would be undue preference. It was the same with regard to schools for the teaching of agriculture. The establishment of an agricultural school in an agricultural district would not be a case of undue preference ; but suppose there were a dozen of such schools established in a Nationalist county and not a single one opened in a Unionist county, that would decidedly be a case of undue preference, and he was sure the hon. and gallant Gentleman would prevent the Irish Legislature from taking such a course.

COLONEL NOLAN : I would vote against it in Dublin if I had a seat.

MR. RENTOUL said, he was perfectly certain the hon. and gallant Gentleman would vote against it, and in voting against it he would be restrained by feelings of morality. Why not restrain the Irish Parliament by law ? With reference to the necessity for the Amendment, he would remind the Chief Secretary that there was more danger of undue preference being shown on account of political opinions than on account of religious belief ; and yet, when an Amendment had been moved to prevent undue preference on account of political opinions, it was negatived by the Government. There might be a tendency amongst some people in Ireland to prosecute a man on account of his

religious belief; but unfortunately there could be no denying that there were a large number of persons in that country who were inclined to prosecute a man on account of his political opinions. Speeches by Irish Members had been quoted in the House over and over again to prove that. In one case a Nationalist Member had said—

“When we come out of the struggle we will remember who have been the people's friends, and who have been the people's enemies.”

That most certainly referred to political opinions, and not to religious belief; and, therefore, it was necessary to have a clause in the Bill covering political opinions as well as religious beliefs. It had been frequently said that the Roman Catholics had been subjected to many disabilities and grievances in the past. If that were so, surely there was all the more reason why the Irish Parliament should be restrained from passing, while smarting under the memory of those grievances—if they had ever existed—laws of retaliation against persons whom they might think accountable for the grievances. He could well imagine that if any of them, rightly or wrongly, thought they were suffering from past injuries, they would need to be safeguarded with regard to the future. Reference had been made by the Mover of the Amendment to the matter of outdoor relief. A few nights ago, while talking to a Nationalist Member, he happened to remark on the strange figures with regard to Poor Law relief in Ireland—only 1 in 98 receiving such relief in Ulster, as compared with 1 in 24 in Leinster, and 1 in 28 in Munster. His reply was that Ulster had not done its duty in that matter; and that, when the Nationalists got the power, they would make Ulster pay a vast deal more for outdoor relief than it did at present. Surely, when such opinions were held, it was well to have such an Amendment as this introduced into the Bill, which would prevent any undue preference being afforded to persons on account of political opinions.

Mr. H. HOBHOUSE (Somerset, E.) said, that those who represented British constituencies were grateful to the Government for the concession which they had made, and which went at least three-fourths of the way to meet the necessities of the case. With the ad-

dition of a few words, he thought it would probably satisfy their legitimate demands for the safety and prosperity of British trade and industry. He thought the words “undue preference” would be an important addition to the Government's clause. Nobody could wish to interfere with the relief of distress in any part of Ireland; what they wished to prevent was any undue preference being given to any particular Institution or trade, and which would violate economic principles now recognised in this Imperial Parliament. It could hardly be doubted that an Irish Legislature would wish to foster certain industries in Ireland. He had noticed remarkable instances of the way in which the Irish Parliament of 120 years ago fostered special industries. At that time, in 1770, they were spending no less than £14,000 a year in fostering the linen industry. But a still more remarkable instance was that they spent no less than £60,000 a year on the internal carriage of corn. One of their first acts might possibly be to repeal the “undue preference” clause in the Railway and Canal Traffic Act, and allow or encourage the railways to give special and undue facilities for the carriage of goods. He thought the agriculturists of this country might have some reason to view with alarm the possibility of special facilities being given to Cork butter. They had legitimate reason for viewing with alarm the action of the Irish Parliament in many respects; and if the clause the Government proposed were extended not only to Corporations and Institutions carrying on their operations in Ireland, but also to trades and industries carrying on business in Ireland, their fears would be greatly lessened, and almost entirely removed.

Mr. HENEAGE (Great Grimsby) said, he wished to speak with regard to an industry with which he had been connected for the last 12 years—the fishing industry. The Amendment as drawn by the Government would not meet their case at all, and he regretted that the Government had not accepted the words “undue preference,” and “class and body of persons.” If the Government had done that they would not only have carried out the spirit of the promise given by them on a former occasion, but they would have saved a good deal of time.

When the 7th sub-section came to be considered, it would be shown that there was absolute necessity for protecting the fishermen of Great Britain against regulations which might be laid down by the Irish Government. What was the object of the Government in objecting to the words proposed? He hoped the Government would re-consider this question, as they had not gone far enough. If they did not, he and other Members representing fishing towns would have to discuss the 7th sub-section when it came on. The question of territorial waters would arise; that was a very large subject, and the discussion could be got rid of if words were inserted in the Amendment dealing with the question now.

MR. CLANCY (Dublin Co., N.) said, he thought that the Irish Nationalists were generally agreed that all the restrictions in Clause 4 were absolutely unjustifiable in principle; but they recognised now, as they had always recognised, that some portion of the Protestants of Ireland held extraordinary ideas and unfounded fears as to the intentions of the Nationalists with regard to them, and every Nationalist was willing to go a long way towards allaying and, if possible, banishing those fears and to submit to some restrictions in religious matters to prevent an undue preference from being shown to persons of one religious denomination, or any privilege being conferred on any other denomination. Beyond that they were, however, not inclined to go, being of opinion that the Irish Legislature ought, in every other respect, to be allowed to do as it liked. If it was not to be entrusted with that power, the Irish people ought not to be trusted with the privilege of self-government at all. The addition now proposed by the Government went further than the Nationalists had ever been prepared to concede, and, if adopted, it would go a long way towards crippling the Irish Legislature in matters concerning which it ought to be left perfectly free. Therefore, when the time came, they should oppose it, unless they saw better reason than they now had for giving it their favourable consideration.

SIR H. JAMES (Bury, Lancashire) said, that, after the concession of the Government, they ought to be gentle in their criticism; but he thought, nevertheless,

that the Government would do well to adopt the general words "undue preference," as the simpler method of achieving the object in view. The words "parentage and place of birth" were very limited, and would apply to the burning question between Irish and Scotch fishermen. Further, the words proposed by the Government would not touch the great English and Scotch Assurance Companies, which, though registered in England, carried on business in Ireland. The Irish Legislature might object to those companies on account of their being formed and registered in Great Britain. All these objections, though comparatively small, pointed in the direction of the desirability of adopting the more general words "undue preference," which he hoped the Government would accede to.

*MR. TOMLINSON (Preston) considered it very important that they should have before them in black and white what the actual intentions of the Government were, and suggested that the proposed words should be at once inserted, leaving for Report merely the question whether they were in the most appropriate part of the clause.

MR. A. J. BALFOUR: I think that in the observations which have just fallen from my hon. Friend there is something well worthy the attention of the Committee. Let it be noted that the drafting of this clause has by common consent been shown to be hopeless. We wish to produce sense in it before it is remodelled prior to Report. In the first place, I would point out that the Amendment which the Government desired to introduce falls very short of the promises or, at all events, the indications of intention, given by the Prime Minister; and, in the second place, it falls very far short of the real necessities of the case. I would remind the Prime Minister that when the matter first came on for discussion he expressed his absolute concurrence with the views of the Member for West Birmingham on the subject of "undue preference." He said that "undue preference" was a difficult subject, and perhaps the most difficult branch of that subject was in the direction of railway rates. The right hon. Gentleman gave the Committee to understand that he was prepared to accept or propose words by which "undue preference," not limited to this or any particular subject, but

generally, should be excluded from the powers and purview of the Irish Parliament.

MR. W. E. GLADSTONE : I said we would go as far as we could in that direction.

MR. A. J. BALFOUR : Then the right hon. Gentleman does not dissent from the account I have just given of the view which the right hon. Gentleman expressed that he would limit all forms of undue preference. What is the actual suggestion of the Government with regard to undue preference? Does it cover the wide field indicated by the right hon. Gentleman? Does it attempt to cover the whole ground indicated by the Prime Minister? On the contrary, it is strictly limited, so far as I understand the words, to undue preference arising out of parentage or place of birth; so far as individuals are concerned, one of the narrowest points in relation to which undue preference may be shown. Neither do I think that the danger does reside principally with birth or parentage, nor is that the danger we anticipate. It is possible that the Irish Legislature, in their unwisdom, may say that persons of English or Scottish birth are not to be eligible to hold office in Ireland; but I think they will take the more convenient course, in exercising their Executive authority, never to select persons of English or Scotch birth for employment, and it would not be in the least necessary to advertise their intention and determination that nobody who is not an Irishman will occupy any office in Ireland. Therefore, though quite possibly there may be undue preference in an Executive point of view in the selection of Irish officers, I do not think the danger we have to apprehend is undue preference that will be embodied in a Statute. But there are other forms of undue preference not based upon birth or parentage from which I think we ought to guard ourselves. It is quite possible, though I hope it is not probable, that divergence from the religion of the majority may be made a bar by legislation to holding office. [An hon. MEMBER: Look at Section 2.] That, I think, will be very likely to be avoided by Section 2. But take the case of the absentee landlords. The absentee landlord has been the object of denunciation for generations, though I am bound to say that if by

absentee landlord you mean the landlord who does not spend the greater part of his time in Ireland my personal experience in Ireland has taught me that some of the most liberal, generous, and enlightened landlords that Ireland or any other country has ever known have been men who might be attacked by an Act which imposed some special disability on those who resided out of Ireland—men like the Duke of Devonshire and Lord Leconfield and others I can mention, who have lavished upon their Irish estates, though they are not habitually resident there, money which the most liberal of English and Scotch landlords might be inclined to grudge. I do not think the right hon. Gentleman the Prime Minister will deny the truth of the statement I have made; but, at all events, whether it be just or unjust to impose special disabilities so far as concerns the Irish landlords who do not reside upon their estates, whether it be just or unjust to treat holders of that kind of property as you treat the holders of no other kind of property in the world, those disabilities should be imposed not by the Irish, but by the Imperial Parliament. If you are going to indulge in exceptional legislation of this kind—which I should deprecate to the utmost of my power and ability—at all events, let those disabilities be imposed by men who do not represent any of the personal interests concerned, but let it be the impartial judgment of an impartial tribunal; not the partial action of a Legislature elected entirely at the bidding of one particular section of the community. If you wish to exclude this special and partial legislation at the cost of one particular class of the community, that is not covered by the Amendment which you propose to introduce after Sub-section 3; but it is covered by the Amendment of the hon. Member for North Ayrshire, and I fail to see why the Government decline that Amendment with the principle of which they agree. They must themselves admit that the words they propose to substitute are narrower even than their own promises, and than the necessities of the case demand. Under these circumstances, I think it would be impossible for this Committee to concur in the rejection of the Amendment of the hon. Member for North Ayrshire, having

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nothing to look forward to but the introduction on Report, possibly, of words objected to by hon. Gentlemen from Ireland, words which will not be assented to unanimously by this Committee, which do not cover the ground, which do not enable us to feel that the Government have done all that they promised to do, and which certainly do not protect those individuals in Ireland who have most to fear from the exercise of that partial legislation, which the Amendment of the hon. Member for Ayrshire is intended to protect us against. For these reasons, I hope the Committee will hesitate before they give up the Amendment of the hon. Member for Ayrshire for the very inadequate proposal which the right hon. Gentleman has suggested.

MR. MACFARLANE (Argyll) said, they began the discussion of this Amendment upon the question of undue preference to be shown to fishermen; but, before the Amendment was finally disposed of, the invariable landlord came up. The question was, could the Irish give preference in employment in their own country to Irishmen? Had they (the English) not done that in this country? ["No, no!"] He had, with his own eyes, seen advertisements in the newspapers of that city, at the bottom of which was the statement, "No Irish need apply." He had seen a good many Irish newspapers, but he had never seen any advertisement which contained the statement that no English or Scotch need apply. He only rose to point out that wherever a discussion began it invariably ended with the landlords.

MR. J. CHAMBERLAIN rising—

Mr. T. M. Healy rose in his place, and claimed to move, "That the Question be now put"; but the Chairman withheld his assent, and declined then to put that Question.

Debate resumed.

Question proposed, "That those words be there inserted."

MR. J. CHAMBERLAIN was received with loud cries of "Divide!" followed by cries of "Order!"

THE CHAIRMAN: I must beg hon. Members not to interrupt. If they do so it will be impossible to carry on the discussion.

MR. J. CHAMBERLAIN: I should be sorry that a Debate which began very quietly, and in a most amicable spirit, should end in any contentious way, and I do not intend to refer to what I conceive to be matters of contention between the two sides of the House. The Chief Secretary, when he introduced the words of the Government, did so tentatively, fully intending they should carry out the understanding at which the Committee arrived. He has not asserted that they did so, but he rather left to us to criticise them and show they were in any way insufficient. In some respects, at any rate, the Amendment does not go far enough. The Government desire to stop undue preference as much as it is within their power. Of course, there are many kinds of undue preference. There is conceivable undue preference on the ground of religious bigotry or prejudice. I am not going into that to-night. There is conceivable undue preference on account of political opinions. That, again, is a serious form of undue preference, but neither will I go into that to-night. What I want to show is that in much less contentious matters, especially in matters of trade, the words of the Government will not cover the various forms of undue preference which might easily be conceived of. The Government limit undue preference to undue preference on account of parentage and birth. The hon. Member (Mr. Macfarlane) who has just spoken seems to think that would be unfair, because he believes that on account of birth undue preference has been shown against Irishmen in this country—not so far as the State is concerned, at any rate, because I undertake to say that in proportion to population a vastly larger number of Irishmen are employed in Great Britain than Englishmen and Scotchmen in Ireland; and if there is to be legislation of this kind in Ireland against Britons, and it were to be followed by vindictive legislation on this side, there is no doubt Irishmen would be heavy losers. Therefore, I agree with the hon. Member below me that it is not particularly necessary we should legislate against undue preference on account of birth. I do not believe it would be in the interests of the Irish Parliament to make such legislation, and if they did I think we have the matter in our own

hands. But, looking at other cases of undue preference, take the case of fishermen, and especially the case of fisheries. If we cannot cover that question, and if the promise of the Government does not cover fisheries, we shall have to discuss it as a separate subject; whereas, if the words do cover it, a good deal of time will be saved and a good many of the Amendments may at once be withdrawn. Take one case. What is to prevent the Irish Legislature from imposing landing dues on fish brought in Scotch and English bottoms? That will not be on account of the birth or parentage of the fishermen; but still a distinct preference would be created for Irish against British fisheries, and no doubt, as the Chancellor of the Duchy (Mr. Bryce) has said, this is a burning question in Scotland, and Scotch Members will bear me out when I say that their constituents are extremely sensitive as to what may happen under Home Rule to the detriment of Scotch fishermen. Take another case, and that a case not as between Ireland and Great Britain, but as between the different classes of persons in Ireland. There is a constant feud between the line fishermen and the trawlers. What is to prevent the Irish Legislature from taking the side of the trawlers against the line fishermen, or *vice versa*? [An hon. MEMBER: Not very likely]. No; it is much more likely they will take the side of the linesmen against the trawlers. But in case they take the side of one or the other, there is no doubt that undue preference will be set up, and it is very desirable that some impartial law should do justice as between the two parties. Again, take the case of separate ports. There was an Amendment on the Paper on this question which has been taken off in view of the understanding that the Government were going to deal with undue preference generally; but I do not think that question is met by the words which the Government propose. What is to prevent preference being given to one port in Ireland as against another, either by means of special grants to one port and not to another, or by a difference in dues allowed to be taken, or, if you please, by special rates from that port for conveyance of goods upon a particular railway? In that and other ways you may practically create a port by undue preference given to it over

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others. It is perfectly well-known in England that the prosperity of certain ports and towns depend upon the preference given by railways in their rates. I am not saying they constitute an undue preference, and preference may be given to a port or place which is not undue. All I say is, that very serious injury might be done to one port in Ireland against another by preference which any impartial Court would declare undue, and you could not touch it by the words which the Government have proposed. There is one other class of questions that I will only broadly allude to, and that is the questions arising out of a desire to protect or give advantage to any particular industry. If it be desired to give an advantage to an industry in Ireland as against any industry in England or Scotland, or an industry in one part of Ireland as against a similar industry in another part, all preferences of that kind might be created, and the words of the Government would not touch them. I think I have said enough, at all events, to induce the Government again to consider the words which they have proposed. I do not know whether they would be prepared to make any change in them at the present time, or whether the Debate has gone far enough to bring conviction to their mind. If not, I do not think it wise to deal with words which involve a difficult question of drafting, at a moment's notice, and all I would ask from them is some assurance that before the matter comes up for Report they will impartially consider the matter in the light of the information and the arguments we have put before them, and we are not to consider they are pledged to the language which they put forward, as I said, tentatively.

MR. J. MORLEY: It is quite true, as my right hon. Friend said, that this proposal of ours, with the view to carrying out the understanding given to the Committee by the Head of the Government, is, to a certain extent, a tentative proposal. But I am bound to say to him—and I was not surprised to hear him admit it—that it is not an easy matter to draw up a clause which shall, while excluding really undue preference, not be so wide as to leave the door open to cases which no sensible man of the Committee would desire to see included. The word “undue” in the Amendment is one

of the most uncertain and one of the most dangerous words that can be used. If the hon. Member had said plainly that no preference should be given, then the Committee could readily understand it; but I should like to know by what standard we are to go in fixing as "undue" the preference which is given? But it is said that there are many kinds of preference not dealt with by the words of the clause. The case of religion has been mentioned as an illustration. The Government, however, have excluded religious preferences in the most formal way in the 2nd sub-section. Then the right hon. Gentleman gave an illustration of various trade preferences which might possibly be enacted by the Irish Legislature, and he instanced the case of discriminating and preferential landing dues. Take the case, he mentioned, of dues upon boats bringing fish from certain ports. I would point out to him that that is an undoubted evasion of the prohibition which prevents the Irish Legislature from making laws affecting trades outside of Ireland. That is our construction of the clause. I will not go further into the matter, for perhaps we have been long enough on this subject. The Debate, on the whole, has been conducted with great good humour. I am sorry I cannot include the speech of the Leader of the Opposition—

MR. A. J. BALFOUR: Was I not good-humoured?

MR. J. MORLEY: I am bound to say I think not. The Debate has been conducted with a desire to arrive at a reasonable solution of what, undoubtedly, is an extremely difficult matter. We shall not go beyond the exclusions in the words which we have already accepted; but the words are not very satisfactory, and we shall do our best, before the Report stage, to bring them up in a more complete form.

MR. COCHRANE would certainly have preferred the words of his own Amendment to those suggested by the Government. With reference to the objection that had been taken to the word "undue," the same objection might be to the words "due process of law" which were certainly as vague and indeterminate as the word "undue." He might suggest one simple solution of all difficulty as to the latter word. The Solicitor General had told them that

whatever meaning there might be in a Statute, or whatever meaning might not exist in it, the Judges were to find some meaning for them. He had no doubt that, acting on the same principle, they would also be able to find some meaning for the word "undue." He would, however, take the advice of the right hon. Gentleman the Member for West Birmingham, and ask leave to withdraw his Amendment, in the hope that the Chief Secretary would consider the words of the Amendment between this and the Report stage.

THE CHAIRMAN: The Question is, "That the Amendment be, by leave, withdrawn." ["No, no!"]

Question put, "That those words be there inserted."

The Committee divided:—Ayes 218; Noes 260.—(Division List, No. 164.)

MR. COCHRANE said, he had the permission of the noble Lord the Member for Paddington (Lord R. Churchill), who was unavoidably prevented from being in his place, to move the Amendment which stood in his name—

Page 2, line 4, after "sub-section (6)," insert "Whereby any voluntary institution, association, or society, lawfully constituted according to the laws of the United Kingdom in force for the time being is prejudicially affected."

He would explain that the Amendment was designed for the protection of the Freemasons—a Body for which he might claim to speak, as he was a member of one of the most influential Lodges. The Freemasons were less able than the Orange Body or other Societies to take care of themselves in the event of the Irish Legislature wishing to do them injury. The Freemasons existed entirely for benevolent and charitable purposes, and they were precluded by their rules from taking part in political or religious matters. In Ireland they numbered between 9,000 and 10,000, and they feared that under a Home Rule Parliament they would not have justice or fair play. They had there several excellent Institutions—Institutions of a purely benevolent character—a Boys' School, a Female Orphanage, and other Institutions. In these large sums of money—many thousands of pounds, indeed—had been expended, and a great deal of good was accomplished by the work which the various Institutions performed. He

would show the House the kind of treatment that had been meted out to the Freemasons in Ireland—treatment which they would agree was scandalous and disgraceful. Some time ago a bazaar was organised in Dublin in connection with the Masonic Female Orphan Asylum. Archbishop Walsh, who had shown the greatest hostility to Freemasons, issued a Pastoral which, according to *The Daily Express* of May 2, 1892, was read in the chapels throughout Ireland. In this Pastoral the Archbishop said several questions had been addressed to him as to the duty of Catholics in reference to this Masonic celebration. The Holy See, he said, in its repeated condemnation of Freemasonry, had forbidden to Catholics not only membership of the Society of Freemasons, but everything that could in any way tend to the furtherance of the interests of the Society. He admitted that the object in view was one naturally calculated to appeal to the charitable sympathies of Catholics; but he added that, faithful to their duty as Catholics, they would respect the stringent obligation under which they were placed—an obligation binding them, under the penalty of incurring the severest strictures of the Church, to abstain, not merely from membership of the Freemasons' Society, but from everything that could in any way tend to the advancement or the promotion of any of its objects. That was exceedingly strong if the Archbishop had said nothing further. But that did not satisfy him. A lady interested in the bazaar wrote—not knowing of the attitude which the Archbishop had assumed—asking him for his portrait, to be exhibited with 400 others, including one of His Holiness the Pope, which, she informed him, had been presented by a Roman Catholic gentleman. That was a very innocent request, to which the Archbishop replied that—

"Any Catholic who may act in disregard of the law of the Church in this particular matter of encouraging in any way a Masonic proceeding is, by the very fact, excommunicated from the Catholic Church."

These were not idle words. They bore a peculiar significance, and showed the spirit in which the Roman Catholic Church would act towards the Masonic Body under an Irish Parliament. They had, indeed, already carried their threats

to extremity in some cases, even recently. He had a letter which had been written by a gentleman—written for the purpose of this Debate—complaining that the rites of burial had been refused by that Church to his father, only because he had long been and had died a Freemason. [*Cries of "Name!" from the Irish Benches.*] He would give the name and full particulars. The letter stated that not only were the rites of burial refused by the parish priest, but that he prevented the chapel bell being rung during the procession, as was usual on such occasions, and prohibited some nuns from sending a wreath, as they wished to. That he regarded as boycotting of the cruellest kind. An appeal was made to the Bishop of Elphin to allow the service to be held for the sake of the widow and her daughter; but the Bishop refused, sending a telegram stating that "the law forbade Catholic rites and attendance of the clergy." [*Cries of "Name!" and "Question!" from the Irish Benches.*] The letter was signed "Lawrence Burke," and was dated "The Abbey, Roscommon, 6th June, 1893." Surely these facts afforded sufficient reason why the Committee should enact some effective safeguard in the Bill for the protection of the property, rights, and liberties of Freemasons in Ireland before they were placed under the domination of Archbishop Walsh? He could quote other cases of the same kind, but would only trouble the Committee with one more. It occurred in Belfast, in the centre of Protestant Ulster. A local solicitor named Michael Buckley, who was a Roman Catholic and a Freemason, was refused the Sacrament, and all the rites of the Church were denied him until he withdrew from the Society. He refused at first to do so, and then the priest threatened to extend the displeasure of the Church to his wife and daughters, and, for their sake, he had to yield. Most hon. Members of that House were unable to appreciate the terrible consequences of a Roman Catholic's being denied the rites of his Church. This man and his family were thrown into a condition of the most painful distress, and it was entirely for the sake of his family that he consented to withdraw from the Freemasons. Such a condition of things in a free country was simply monstrous. It was a gross

violation of the liberty of the subject, and he hoped the Radical Members of the House would take note of the facts. These facts, let them remember, were not things of the past. They had occurred only recently. Again, a Catholic newspaper, *The Catholic*, published an article on the 3rd of June, 1893, in which it said—

“The attitude of the Roman Catholic Church to Freemasonry is once more made manifest by a recent decision of the Holy Office, published in reply to questions submitted to that august tribunal by the Bishop of Bayonne. . . . The reply of the Sacred Congregation has been clear, distinct, and unequivocal. Between the Prelates of God's Church and Masonry there can never be either peace or pact. No circumstances can secure the Secret Society toleration at the hands of a Christian Bishop. No law of any Parliament, no usage, can relieve Masonry from the censures so often fulminated against it by so many Pontiffs, and which no Bishop can alter or suppress.”

And the article concluded—

“To the Church Freemasonry remains, as it has ever been, anathema.”

That being so, would the Committee give no special protection to the Freemasons? Here they had a paper representing the Catholics of Ireland stating their opinion on the subject not later than the 6th of the present month. Could the Committee submit to that? Could they say there was any justification for this attitude towards a Body that did no harm, but, on the contrary, did much good? He thought the Committee would take the view he had put before them, and he, therefore, begged to move the Amendment.

Amendment proposed,

In page 2, line 41, after the word “or,” to insert, as a new sub-section, the words, “(7) Whereby any voluntary institution, association, or society, lawfully constituted according to the laws of the United Kingdom in force for the time being is prejudicially affected.”—(*Mr. Cochrane.*)

Question proposed, “That those words be there inserted.”

THE FIRST LORD OF THE TREASURY (MR. W. E. GLADSTONE, Edinburgh, Midlothian): I listened carefully to the speech of the hon. Member, and understood it to be a speech addressed to the Committee in regard to the character of the Society calling themselves Freemasons. When I look at the Amendment, however, I see that it takes no notice of Freemasonry, but lays down

a proposition of enormous breadth—that no Society whatever of a private and voluntary character, which is not in itself illegal, shall ever be subject, whatever be its errors, its defects, or its offences, to any description of interference by the Irish Legislature. Well, in the first place, hon. Members will see that the Amendment is a hundred times too wide for its object. Societies legally constituted may, nevertheless, fall into great and gross abuse. There are, for instance, Societies connected with insurance and with the pecuniary transactions of the working classes which may have been legally constituted. [Turning round to his Colleagues]: What is the name of the Society which recently failed?

Several hon. MEMBERS: The Liberator.

MR. W. E. GLADSTONE: For all I know, the Liberator Society was quite legally constituted. But under the Amendment, if some of the transactions of that Society had been brought to light and it had been proposed to correct or prevent them by legislation, it would have been impossible. I cannot conceive any justification for an Amendment of such enormous scope, interfering with an important branch and duty of any Legislature in the direction either of prevention or reform. So much for the Amendment, and I really hope that that is a conclusive reason against its adoption; but I will not pass without notice the speech of the hon. Member. I will assume, for the sake of argument, that we are discussing an Amendment really in conformity with the speech—though the two are as distant as the poles. What is the case of the Freemasons, supposing we were really discussing it? The hon. Gentleman says that the Society of Freemasons has been denounced in the most vehemently condemnatory terms by the Papal authorities. For my own part, though I have been accustomed to hear of Freemasons all my life, there is not a man who is in a state, I will not say of more sublime, but of more complete, impartiality about them. I have never known their constitution or proceedings, and, having been amply occupied, I have never felt any vivid curiosity in the matter. Therefore I can speak on the

subject with impartiality. What is the state of the case? The Freemasons have been denounced vehemently—I imagine with unlimited vehemence. I presume, and I am bound to presume, that those who have denounced them have acted under the most conscientious motives and beliefs. They may be right or wrong. I have not the slightest knowledge whether there is ground for the denunciation or not. [*Cries of "Oh!"*] I suspect not. Now, I imagine that 99 out of 100 or, at any rate, that 19 out of 20 Members of the House are in the same condition of blissful ignorance as myself. [*Cries of "No!"*] An enormous proportion are without knowledge of this Society. [*Cries of "No!"*] But what I want to point out is that the question before the Committee is not the rectitude or error, the propriety or impropriety, of these denunciations. They are strictly spiritual and ecclesiastical, and they are exclusively the affair of those who think fit to submit to them. What have we to do with them as such? Nothing whatever. "But then," says the hon. Gentleman, "I am dreadfully afraid lest the Irish Legislature should convert these spiritual denunciations into temporal instruments of oppression. Without that allegation the Amendment has no foundation whatever. Is that a just or proper supposition? I have sat in the House of Commons for 60 years, and for 60 years I have known nobody of the Members of the House more uniformly opposed to the use of temporal penalties for spiritual purposes than the Roman Catholic Members from Ireland. [*Cries of "Oh!"*] The Government conscientiously and emphatically refuse to cast in their teeth or to charge upon them the probability of their committing a form of offence most gross in itself, and contradicted by all that they have said or done in my whole knowledge and experience of them ever since they first found their way within the walls of Parliament. Therefore I oppose this Amendment.

MR. A. J. BALFOUR: There are some parts of the speech of the right hon. Gentleman which I will pass over in silence. I hardly think it worth while to raise the point suggested by the right hon. Gentleman's interesting com-

Mr. W. E. Gladstone

parison of the Liberator Society with the Society of Freemasons. I am not a Freemason myself, and I am as impartial as the right hon. Gentleman in his judgment of that Society. But though I have only the ordinary means that all have of judging its worth, this, at all events, I know—that the body of Freemasons in these islands, whatever they may be on the Continent, is a Society which has devoted itself to good works, for mutual assistance, and I think it outrageous to compare the Freemasons to a fraudulent Society like the Liberator.

MR. W. E. GLADSTONE: The right hon. Gentleman has charged me with something which he knew, or ought to have known, is unjust. That portion of my remarks which referred to the Liberator Society had no connection whatever with the Freemasons. Reference to the Liberator Society was introduced in that portion of my remarks in which I was commenting on the Amendment which I said had nothing specifically to do with the Freemasons, but covered all these voluntary Societies. The connection between the two Societies existed only in the right hon. Gentleman's imagination.

MR. A. J. BALFOUR—[*cries of "Withdraw!" "Shame!" "Dishonest!" and other interruption*]: I accept with the utmost satisfaction the disclaimer of the right hon. Gentleman, and if it was my fault that I misunderstood him I apologise.

An hon. MEMBER: *If it was.*

MR. A. J. BALFOUR: I come now to that part of the right hon. Gentleman's speech which was, at all events, more pertinent to the Amendment, in which he referred to the action of the Roman Catholic Church with regard to Freemasons. The hon. Gentleman who moved the Amendment gave us a series of illustrations of the view taken by the Roman Catholic Church upon the subject.

An hon. MEMBER: Are you going to legislate for it?

MR. A. J. BALFOUR: The hon. Gentleman showed beyond doubt or question—and the right hon. Gentleman in no sense challenged the statement—that the Roman Catholic Church has consistently declared that the Freemasons

are a body altogether outside the pale of the Church, which refuses her sacraments to the members of all Societies which are called secret. Now, the question is whether this is a purely spiritual matter, or whether it is likely to be translated into practice when we hand over to the Irish Legislature the conduct of affairs purely Irish. We are agreed as to the attitude of the Roman Catholic Church. There is no dispute between the right hon. Gentleman and the Mover of the Resolution on that question. The States in the world in which the Roman Catholic hierarchy have the control of temporal matters are very few indeed. Certainly in the Roman Catholic States on the Continent the Roman Catholic hierarchy only count in political matters like the heads of any other Ecclesiastical Body. The question is, would the Roman Catholic hierarchy in Ireland be able to impress upon the Irish Legislature their own policy or not? ["No, no!"] Well, I have to consider the methods by which they have returned Members to Parliament. I know the history of Ireland during the last few years, and I call to memory the action in secular matters taken in every district in Ireland by the parish priest and his curate. I recollect how the Catholic hierarchy—and I make no attack on them—are not merely a spiritual body engaged in spiritual affairs and anxious to advance the spiritual welfare of their flocks, but also a political committee. They wield powers of the most tremendous character through the length and breadth of Irish Society, in every town, village, and country district, and I ask myself whether this House is going to intrust men with the power of legislating upon subjects as to which their spiritual guides have committed themselves to extreme opinions; and in which their political position gives them the power and, with the power, the right and duty to carry out and embody in legislation the duties and principles their spiritual allegiance requires. If I have not misinterpreted the present condition of Irish Society—and who will say I have?—but have honestly considered the facts of the last 12 or 15 years in Ireland, will any one, looking at these facts in the dry light of historical research, deny that the danger which my hon. Friend desires to avoid by the Amendment is a real and substantial

danger? I speak to a body of Englishmen not prejudiced, I believe, in favour of the Roman Catholic religion or of Freemasons, who will look at this matter from outside as judges of the case to which they are not parties; and I ask them, as men of common sense and of political honesty, whether, if they really believe what the Prime Minister says—that interference by political means with the freedom of Freemasons will be an act of infamous political tyranny—they are not bound to vote for an Amendment which takes away from an Ecclesiastical Body which will undoubtedly be dominant in Ireland the power to deal according to the declared views and morals of their Church in a manner which cannot be approved with a body known to be worthy of the respect of all connected with philanthropic undertakings.

MR. MACARTNEY and MR. TOMLINSON rose.

Mr. J. Morley rose in his place, and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The Committee divided:—Ayes 277; Noes 243.—(Division List, No. 165.)

Question put accordingly, "That those words be there inserted."

The Committee divided:—Ayes 243; Noes 278.—(Division List, No. 166.)

MR. RENTOUL: I beg to move an Amendment which is not on the Paper, namely, to insert after "or," in line 41, the words—

"Whereby the Society known as Freemasons might be prejudicially affected."

THE CHAIRMAN: That is clearly out of Order.

MR. RENTOUL: Then might I be permitted—[*Cries of "Order!" and "Name!"*] On a point of Order, Mr. Mellor! I was under the impression—[*Renewed cries of "Order!"*]

THE CHAIRMAN: I have explained to the hon. Member that his Amendment is out of Order. The reasons are obvious, and I cannot allow an argument on the point.

COLONEL WARING (Down, N.): I move, Sir, that you report Progress and ask leave to sit again.

Mr. T. M. HEALY (Louth, N.) was understood to rise to a question of Order, but his remarks were drowned by cries of "Order!" and "Progress!"

It being Midnight the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again To-morrow, at Two of the clock.

GOVERNMENT OF IRELAND [PAYMENTS.]

COMMITTEE.

Mr. BRODRICK (Surrey, Guildford): On what day is it proposed to take Committee on this?

THE SECRETARY TO THE TREASURY (Mr. MARJORIBANKS, Berwickshire): The First Lord of the Treasury has already stated that ample notice will be given.

Mr. BRODRICK: It is very inconvenient, putting it down for days on which there is no intention to take it.

Mr. MARJORIBANKS: The hon. Member knows very well that it is usual to keep Government Orders down on Mondays and Thursdays.

Mr. J. LOWTHER: It is most inconvenient. Why not put it down at once for the day on which it is to be taken?

Mr. MARJORIBANKS: Monday.

Committee deferred till Monday next.

CHIMNEY-SWEEPERS BILL.—(No. 399.)

COMMITTEE.

Bill considered in Committee.

(In the Committee).

Mr. LABOUCHERE: I wish to explain that the Committee is only *pro forma* in order that certain Amendments may be introduced. I therefore move to report Progress.

THE CHAIRMAN: The Question is, "That this Bill be reported to the House with Amendments."

Question put, and agreed to.

Mr. LABOUCHERE: Would the House object to my taking the Third Reading now?

Objection being taken

Bill to be printed, as amended [Bill 399]; re-committed for Thursday next.

ELECTRIC LIGHTING PROVISIONAL ORDER (No. 7) BILL.—(No. 373.)

Read the third time, and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 7) BILL.—(No. 291.)

As amended, considered; read the third time and passed.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 8) BILL.—(No. 329.)

As amended, considered; read the third time and passed.

LOCAL GOVERNMENT PROVISIONAL ORDER (No. 17) BILL (*by Order*).—(No. 376.)

As amended, considered; read the third time and passed.

EMPLOYERS' LIABILITY BILL.

Reported from the Standing Committee on Law, &c.

Report to lie upon the Table, and to be printed. [No. 284.]

Minutes of the Proceedings of the Committee to be printed. [No. 284.]

Bill, as amended in the Standing Committee, to be taken into consideration upon Monday next, and to be printed. [Bill 397.]

WATER PROVISIONAL ORDERS (No. 2) BILL.—(No. 338.)

Reported [Provisional Orders confirmed]; as amended, to be considered To-morrow.

WATER PROVISIONAL ORDER (No. 3) BILL.

Reported [Provisional Order confirmed]; as amended, to be considered To-morrow.

HOUSING OF THE WORKING CLASSES ACT (1890) AMENDMENT BILL.

On Motion of Sir John Hibbert, Bill to remove certain doubts as to the application of Part III. of "The Housing of the Working Classes Act, 1890," to certain authorities in Ireland, ordered to be brought in by Sir John Hibbert and Mr. Chancellor of the Exchequer.

Bill presented, and read first time. [Bill 398.]

WORKING MEN'S DWELLINGS BILL. (No. 2.)

Considered in Committee; Committee report Progress; to sit again upon Wednesday next.

House adjourned at ten minutes after Twelve o'clock.

HOUSE OF LORDS,

Friday, 23rd June 1893.

LOSS OF H.M.S. "VICTORIA."

QUESTION. OBSERVATIONS.

THE MARQUESS OF SALISBURY: I would ask the First Lord of the Admiralty, whom I see in his place, whether he is in a position to give the House any information concerning the news which has spread consternation as well as deep sympathy throughout the country with regard to the reported loss of Her Majesty's ship *Victoria*? I will not attempt to comment upon circumstances which I do not know, but I hope the noble Earl will be able to give the House some information beyond that which we possess.

*THE FIRST LORD OF THE ADMIRALTY (Earl SPENCER): I am obliged to the noble Marquess for asking me this question. I came down to the House intending to make a statement to your Lordships on the terrible calamity which has already been reported. I will read to your Lordships the latest information which the Admiralty possess about it. It is a telegram dated Tripoli, Syria, from Rear-Admiral Markham—

"June 22nd, 8 p.m. Regret to report whilst manœuvring this afternoon off Tripoli *Victoria* and *Camperdown* collided. *Victoria* sunk, 15 minutes after, in 80 fathoms, bottom uppermost. *Camperdown's* ram struck *Victoria* before the turret starboard. Following officers drowned:—

Commander-in-Chief.
Clerk Allen.
Lieutenant Munro.
Chaplain Morris.
Chief Engineer Foreman.
Engineer Harding.
Assistant Engineers Deadman, Hatherly, Seaton.
Gunner Howell.
Boatswain Barnard.
Carpenter Beall.
Midshipmen Inglis, Grieve, Fawkes, Lanyon, Henley, Gambier, Scarlett.
Naval Cadet Stocks.
Assistant Clerk Savage.
Fleet Paymaster Rickcord.

Two hundred and fifty-five men saved; will report their names by telegraph. Injury to *Camperdown* not yet fully ascertained, but damage so serious as to necessitate docking. Propose to send survivors to Malta at once. Await instructions.

MARKHAM."

According to the latest return, which is dated May 25, there were 718 persons on board the *Victoria*. Of this number upwards of 430 are believed to have been lost. No exact statement of the number drowned can be given until more precise information has been received. Unfortunately, within the last few days the return in possession of the Admiralty of the names of those on board, which usually includes those of the supernumeraries carried on board for other ships, was sent back to the *Victoria* for further information; and there may, therefore, be, I regret to say, some little delay here in obtaining the names of those who have been lost. My Lords, I do not think that this is the occasion on which to enter upon a discussion of this terrible occurrence, nor would it be right for me to hazard any conjecture as to the cause of the disaster. The nation has suffered a terrible loss. We mourn to-day the loss of over 400 gallant officers and men of the Navy and Marines, and at their head one of the most distinguished Admirals in the Service. Where the loss is so general I hardly like to dwell upon any individual, but I may say this—that Sir George Tryon, the Commander-in-Chief of the Mediterranean Fleet, was known far and wide, not only by your Lordships, but in every place where the British Flag flies, for he has held, and held with eminent success, many positions both at home and abroad. I lately had an opportunity of seeing him at his post, and I think I may say this—that he not only had the fullest and highest confidence of my colleagues at the Admiralty and myself, but he also had the fullest confidence of every officer and man who served under his command, and who were proud to have him as their leader. The nation in him alone has suffered a most serious and grievous loss. I know that your Lordships will sympathise in the most hearty manner with the relatives of those who have been lost so tragically and suddenly whilst serving Her Majesty and their country. ["Hear, hear!"]

ALLEGED THEFT OF DOCUMENTS FROM PARIS EMBASSY.

QUESTION. OBSERVATIONS.

EARL CADOGAN: My Lords, seeing my noble Friend the Secretary of State for Foreign Affairs in his place, I beg to

ask him a question of which I have given him private notice—namely, whether he is in a position to give the House any information as to the reported theft of documents from the British Embassy at Paris? Under ordinary circumstances, I should have been disposed to treat the matter as one unworthy of notice; but, inasmuch as it appears to have been made the subject of discussion in the French Chamber, perhaps my noble Friend may be willing to make some statement to the House in reference to it.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Earl of ROSEBURY): My Lords, it is, indeed, passing from tragedy of the darkest and most terrible kind to the lowest and dirtiest depths of comedy to have to say anything with regard to the question asked by my noble Friend. There was no theft of documents from the British Embassy; but there has been produced a forgery so gross and palpable that I should have hardly thought it would have imposed on the most innocent of human beings, for it was fabricated by someone who had not even a rudimentary knowledge of the English language for carrying the imposture out. I think we may leave the matter where it stands, in the well-merited ridicule which it met with in the French Chamber, and which I am sure will be shared by your Lordships' House.

SESSIONAL ORDERS.

RESOLUTION.

THE LORD PRESIDENT OF THE COUNCIL AND SECRETARY OF STATE FOR INDIA (The Earl of KIMBERLEY): My Lords, there is a Bill for confirming a Provisional Order, made by the Education Department under the Act of 1870, to enable the London School Board to enforce the provisions of the Lands Clauses Act. It is extremely necessary the correction should be made. I have communicated with my noble Friend the Chairman of Committees, and he is willing I should move under the circumstances—

"That the Sessional Order of the 13th March last, That no Bill originating in this House confirming any Provisional Order or Provisional Certificate shall be read a first time after Thursday the 11th day of May next, be dispensed with in respect of a Bill to confirm a Provisional Order made by the Education Department under the Elementary Education

Act, 1870, to enable the School Board for London to put in force the Lands Clauses Acts."

Motion agreed to.

ENDOWED SCHOOLS ACT, 1869, AND AMENDING ACTS (BARKISLAND ENDOWED SCHOOL).

MOTION FOR AN ADDRESS.

VISCOUNT HALIFAX moved—

"That an humble Address be presented to Her Majesty praying that Her consent may be withheld from the scheme of the Charity Commissioners for the management of the Barkisland Endowed School, dated 30th May, 1893." He said, the history of the school was not without interest. Barkisland was a township with a separate church and incumbent of its own in the very large parish of Halifax. Before the middle of the 17th century two families, both Royalist, were established there—the Gledhills, of Barkisland Hall, and the Hortons, of Howroyde. John Gledhill, the elder brother of Sir Richard Gledhill, who fell fighting for the King at Marston Moor, married Sarah, the daughter of William Horton; and this lady by her will, dated 1657, left an endowment to the poor of Barkisland for educational purposes, which was the subject of this Motion. At that time—during the last years of the Commonwealth—the worship of the Church was proscribed by law. Indeed, the use of the Prayer Book, even in a private house, was a statutable offence. Mrs. Gledhill could not, therefore, provide directly that children in the school she was endowing should be instructed in the teaching of the Church; but she did what she could to secure that end. She appointed her brother and sister, both members and benefactors of the Church, trustees under her will; and then, after prescribing certain things which the schoolmaster to be appointed was to teach, she went on to add, "and such other instruction as the said feoffees under my will shall think meet and convenient." It was an unexpressed trust, the object of which, taken in connection with the relation of the trustees, and, indeed, of all the family, to the Church was undoubtedly to secure teaching in the Christian religion according to the doctrines of the Church of England for the children attending the school. It never entered into anyone's head to dispute the fact that the endowed school at Barkisland was a Church

school till six years ago, when the present attempt, for various political and sectarian reasons, was started which had brought about the scheme now lying on the 'Table of their Lordships' House. The school was known as a Church school; it was conducted on Church principles, the schoolmaster was a member of the Church; one of the last, a Mr. Rouse, who died in 1859, certainly holding a licence from the Archbishop of York. In 1861 the trustees, having by good management of the school finances much increased the sums at their disposal, drew up, in concert with the other Charity Commissioners, the scheme for the management of the school, which it was now sought to supersede. That scheme recognised the Church character of the school. The vicar of Halifax, the great ecclesiastical authority in those parts, and the incumbent of Barkisland were appointed *ex officio* trustees, and there were 11 others. The scheme provided that the school should be conducted as a Church of England school, with a Conscience Clause in regard to children whose parents objected to the teaching of the Church of England, but who were obliged to take their children to their own place of worship on Sundays. It was impossible to frame a more liberal scheme. Under this scheme the school prospered and increased. In 1867 new buildings were completed on a site given by Mr. Horton, of Howroyde, the present representative of the foundress, who granted it on the distinct understanding expressed in the deed of conveyance that the school was to be conducted in accordance with the scheme agreed upon by the trustees and the Charity Commissioners six years previously. Other subscriptions on the same understanding were given, and the school, thus developed, was educating two years ago over 200 children to the general satisfaction of all concerned—there were nearly 300 at present. In 1887, certain vacancies having arisen on the trust, some new names were proposed to the Charity Commissioners, and public advertisement was duly made. The Endowed Schools Act of 1869 had, however, come into operation since the re-constitution of the school, and the opportunity was at once seized upon by a few persons of extreme political and sectarian opinions, not connected with

but altogether outside the township, to try and alter the whole character of the school. Section 19 of the Endowed Schools Act of 1869 deprived the members of the Church of England, as such, of the control of all schools in which express provision was not made by the founders for religious instruction in the doctrines of the Church of England, and, no doubt, as he had shown, Mrs. Gledhill, at the date of her will, could not make express provision for Church teaching. Eventually, after every possible resistance on the part of the trustees, the managers of the school, and all the inhabitants of the township, including Mr. Horton, the representative of the foundress at the present time, the scheme of re-construction now lying on the Table was adopted and carried through. The animus which inspired the promoters of the scheme was sufficiently shown by the fact that the moment it was published the Halifax School Union Attendance Committee, who under it were to elect two trustees for the school, instantly passed a resolution that no religious catechism or formulary distinctive of any particular denomination should be taught in the school. The scheme really, in principle, destroyed all security for the Church character of the school. Another very grave objection to the proposed scheme was the way in which it affected the financial position of the school. The school possessed in endowments about £90 a year, the whole of which was expended in maintaining the present efficient condition of the school; but the new scheme diverted £60 to create scholarships at some higher place of education, or for evening classes, and for freeing parents of children in the elder part of the school from the small fee of 1d. a week. Barkisland was a poor moorland parish, and its inhabitants were mill hands, small dairy farmers, and small shopkeepers. Scarcely a child that reached half-time age remained unemployed, and at full age every child quitted school at once; and to expect such children, therefore, to be sent by rail to Halifax 6½ miles off for these higher scholarships was quite ridiculous. The result would be that while the foundation was in the founder's will expressly stated to be intended for the poor, the scholarships in question would be established for the benefit of a

few children of a richer class of parents, who, for the sake of such scholarships, might attend the school from over the borders of the township. The same might be said about the evening classes, if of an advanced character; while as to the 1d. fee now paid, and which the scheme would disallow, its abolition would deprive the school of from £25 to £30 a year. In view of these financial proposals sanctioned by the scheme, the question arose how, if the scheme were carried, these deductions of income were to be met? Church people who had subscribed largely to the school hitherto would not help with subscriptions after such treatment as that to which he had referred, and the efficiency of the school would be impaired. It was an open secret that a proposal was on foot for enlarging the school. Mr. Horton was prepared to give a site, and £600 had been collected for building a school. All those advantages would be lost. The Local Board of Barkisland had passed resolutions against the scheme, and a thoroughly representative meeting of the inhabitants of the township, with only one dissentient voice, had done the same thing. To sum up, the school in question was founded by members of the Church for religious as well as for secular education, and was re-constituted on that basis in 1861 under the authority of the Charity Commissioners as a Church school. The scheme then established had worked to the entire satisfaction of all concerned up to the present time; but it was now, at the instance of persons outside the township for political and sectarian motives, to be altered, contrary to the wishes of all who had any real interest in the school, or who had done anything for its support, by straining the letter of the Endowed Schools Act in a manner contrary, as he believed, to its intention, with the result of prejudicing the financial condition of the school, sacrificing the rights of the poor for whom it was endowed, and generally of injuring the cause of definite religious education. This was as important a subject as could come before their Lordships, for it was a distinct attack upon the principle of definite religious education; and, therefore, he asked their Lordships to agree that an Address be presented to Her Majesty praying that

Viscount Halifax

Her consent might be refused to the scheme as it stood, in order that further time might be given for amending this scheme in the interest of the school and in accordance with the wish of its foundress. He confidently asked their Lordships to agree to the Motion which he now moved.

Moved, "That an humble Address be presented to Her Majesty praying that Her consent may be withheld from the scheme of the Charity Commissioners for the management of the Barkisland Endowed School, dated 30th May, 1893."
—(*The Viscount Halifax*.)

THE EARL OF KIMBERLEY : My Lords, the answer to the Motion has really been given by the noble Viscount himself, because he has told the House that the Charity Commissioners have no power to make this school into a Church school. I am really at a loss to know upon what grounds the opposition to this scheme is based. The Commissioners have not been anxious to interfere with this school, but it appears that the trustees of the school had neglected to appoint new trustees, and the consequence was that as they had fallen below the requisite number there was no power to appoint new trustees without an application to the Commissioners for a new scheme; and the Charity Commissioners, in framing it, had regard to the merits of the case as well as to the legal disability under which they were placed. As to the foundress of the school, Mrs. Gledhill, I do not think she had a very strong objection to those whom the noble Viscount called sectarians, because she appointed two sectarians as executors of her will, one of them being her uncle, Mr. Joshua Horton, who in a contemporary work is stated to have favoured Nonconformist principles, and after the Restoration to have maintained a lecture-house for religious purposes. As your Lordships are aware, under the 19th clause of the Endowed Schools Act, schools which were founded with a distinctively religious object, and where there is contained any provision to that effect in the original endowment, are excepted from the operation of the Act; but there was no such provision made in the case of this school. With regard to the feelings and wishes of the inhabitants, I am informed that the Nonconformists of the parish strongly entertain the opinion that they had not been fairly treated in

the previous arrangements. The Commissioners have adopted the common form in the matter, which is that certain Bodies should elect a certain number of trustees, and there is nothing whatever in the circumstances of this school to induce them to take any other but the usual course. As to the children being relieved from the payment of 1d. a week, a provision which seems to have so much alarmed the noble Viscount, I would point out to him that this is really an elementary school, and I think the Commissioners were well advised in putting it on the same footing as any other school of the same character. I have generally found that the establishment of a certain number of scholarships for the education in higher schools of scholars who have shown themselves efficient in the elementary schools has produced beneficial results. The Commissioners, acting clearly and without any doubt whatever in accordance with the provisions of the Act, and not having any evidence in fact that this was an exclusively Church of England school, which would have enabled them to take any other course, have framed their scheme; and, as I am perfectly certain that their only desire has been to discharge their duty in the manner required by the Act with a due regard to the wishes of the inhabitants of the parish, and for the good of this school at Barkisland, I hope your Lordships will not, by accepting the Motion, refuse to allow the scheme to go on.

*THE EARL OF CRANBROOK: My Lords, this scheme is somewhat different from that represented by the noble Earl opposite. Everything which has been stated by the noble Viscount as to the intentions of the foundress appears to be quite accurate, though there is nothing within the deed to show what the religious training in the school was to be. As a matter of fact, the trustee appointed by her and alluded to by the noble Earl as having a friendliness for Nonconformists had also a strong regard for the Church, and expressed himself as always going to church at least in one part of the day. I, of course, lay no stress upon that, for it does not touch the foundation. When the scheme for the school was formulated in 1861 it was treated as a Church school, and the Court of Chancery compelled as part of the instruction to be

given Bible and Church Catechism teaching. It is an elementary school, for it was founded for the purpose of "teaching poor children to read and write English, and to cast up accounts, and such further learning as the feoffees should think fit;" and as an elementary school it has been treated. I admit that if there had been a necessity placed on the Charity Commissioners to lay down a new scheme they could not, under the Endowed Schools Act, hold that the principles of the Church of England should be the only ones to be taught in the school, there being nothing of that kind in the original deed. They would have had no option but to put it in the form in which they had done—namely, teaching the Christian religion. That term, I am sorry to say, however, has become so disputed as to its meaning that great detriment is caused to the efforts of those interested in religious education. It is true that the original endowments were given without those special words; but the scheme of 1861 laid down distinctly that it was a Church school. At that time the living representative of the foundress was ready to give a site in the parish, and large subscriptions were made on the faith of the position in which the school had been then placed by the Court of Chancery. The new buildings were erected, according to what had been laid down by the Court of Chancery, for a Church school; and therefore, in all equity, it is clear that as a Church school it should be continued. Not only are the Charity Commissioners acting in opposition to the wishes of the whole of the inhabitants of the place on this point, but their action will otherwise diminish the efficiency and usefulness of the school, as they are taking a large portion of its small endowment for scholarships which will not be needed. The sum proposed is too small for boarders, and day boys cannot go over six miles to Halifax. It seems to me that, in fact, there was no necessity why the Charity Commissioners should have touched this school at all. It was working admirably, and as there was no compulsion placed on the Charity Commissioners to propose this scheme I cannot see what justification there was for destroying the school and creating all this trouble in the neighbourhood when all was going on quietly. I think that a

good case has been made out for a reconsideration of the scheme.

THE EARL OF KIMBERLEY : I am told there was no opposition to it. The Charity Commissioners could not do otherwise.

***THE EARL OF CRANBROOK** : They might have modified that plan. My impression is that there was no compulsion upon the Charity Commissioners to do this, which has been forced upon them by persons extraneous to the parish, and I think there is very good ground for sending it back.

***LORD SANDFORD** said, that this scheme had been dealt with pursuant to the provisions of the Endowed Schools Acts. Now, it had been admitted by the Lord President that this was a public elementary school, and it had, as such, received a building grant from the Department. But the claim now made was that it was a grammar school for the purposes of the Act of 1840. That Act, however, applied to endowed schools for the education of boys in grammar, and the term "grammar" had been construed by the Court of Equity as having reference only to the dead languages—Greek and Latin. Mrs. Gledhill's foundation extended only to reading and writing English and casting accounts, and to such further learning as the feoffees should think meet and convenient. That was as good a definition of a public elementary school as could be given in 1657. If it was not a grammar school it would not fall under the Endowed Schools Act, but under the Elementary Education Act of 1870, by which (Section 75) the Department had to deal with schools on the proposal of the trustees, if a scheme were wanted. This school, accordingly, could not be dealt with by the Endowed Schools Commissioners; it was exempted from their jurisdiction by the third section of the Endowed Schools Act of 1873; and for that reason it might be well to send it back to the Charity Commissioners, in order to give them an opportunity of re-considering it.

VISCOUNT HALIFAX said, in reference to what the noble Earl had said in opposing the Motion, that Mrs. Gledhill could only show her wishes in the matter by the character and opinions of the trustees she had appointed, no doubt that was the only way she could

secure in the school the teaching she desired; and, so far from it being the fact, as had been represented, that Joshua Horton was a Nonconformist, it was on record that he attended the daily service of the church, and had subscribed to increase the income of the incumbent of the parish. In regard to the statement that a considerable proportion of the inhabitants of Barkisland were in favour of this scheme, which was to supersede that agreed upon in 1861, he would only repeat that the Local Board had passed resolutions unanimously against it, and that, at a thoroughly representative meeting of the inhabitants of the town, a similar resolution had been passed with only one dissentient voice.

On question? Their Lordships divided:—Contents 48; Not-Contents 35.

Resolved in the affirmative.

LOSS OF H.M.S. "VICTORIA."

THE LORD CHAMBERLAIN (Lord CARRINGTON) : Before the House rises I ask your Lordships' permission to be allowed to state that this morning I received Her Majesty's commands that, in consequence of the appalling catastrophe which has overtaken the flagship of the Mediterranean Fleet, the State ball announced for the evening is not to take place.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 2) BILL.—(No. 61.)

Returned from the Commons with the Amendments agreed to.

EDUCATION PROVISIONAL ORDER CONFIRMATION (LONDON, NO. 2) BILL.—[H.L.]

A Bill to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Act—Was presented by the Lord President (*E. Kimberley*.)

Read 1^o to be printed; and referred to the Examiners. (No. 175.)

GAS ORDERS CONFIRMATION (NEWENT, &c.) BILL [H.L.]—(No. 84.)

Read 3^a (according to order), and passed, and sent to the Commons.

LOCAL GOVERNMENT PROVISIONAL
ORDERS (No. 6) BILL.—(No. 153.)

Read 2^a (according to order), and committed to a Committee of the Whole House on Monday next.

WATER PROVISIONAL ORDERS (No. 2)
BILL.

Read 1^a; to be printed; and referred to the Examiners. (No. 176.)

WATER PROVISIONAL ORDER (No. 3.)
BILL.

Read 1^a; to be printed; and referred to the Examiners. (No. 177.)

House adjourned at a quarter past
Five o'clock, to Monday next,
Eleven o'clock.

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HOUSE OF COMMONS,

*Friday, 23rd June 1893.*

The House met at Two of the clock.

*PRIVATE BUSINESS.*

BIRMINGHAM CANAL BILL [*Lords*].

As amended, considered.

A Clause (Application of Section 24, of the Railway and Canal Traffic Act, 1888,)—(*Dr. Farquharson*,)—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

\*SIR A. HICKMAN (Wolverhampton, W.) said, the effect of this clause, if inserted, would seem to be to postpone the operation of the Railway and Canal Traffic Act as regarded the Birmingham Canal Company, and make the proceedings which were taking place entirely abortive—

\*MR. SPEAKER said, that as objection was taken to the Bill it would stand over.

Debate adjourned till Monday next.

LONDON, DEPTFORD, AND GREENWICH  
TRAMWAYS BILL (*by Order*).

As amended, further considered.

\*MR. A. C. MORTON (Peterborough) rose to move the following new Clause:—

"Section 50, of 'The Southwark and Deptford Tramways Act, 1879' (42 and 43 Vic. c. 72), shall be amended by leaving out at the end of the section the words 'but in no case shall the Company be bound to charge a less sum than twopence.'"

He said that from time to time complaints had been made with regard to the sudden increase of tramway fares on public holidays and Sundays. He proposed, as far as possible, to prevent that by amending the Act of 1879, which gave the company power to charge fares not exceeding 1d. per mile, a fraction of a mile to be deemed a mile, and which then went on to provide—

"But in no case shall the Company be bound to charge a less sum than twopence."

It was the latter part of the clause he wanted to do away with by his Amendment. He did not desire to make any general attack on tramways, which were a great boon to the working classes. But they were a monopoly which existed through powers granted by Parliament, and as a monopoly it was their duty to see that these companies acted fairly towards the public. The tramways were in the habit of reducing their fares even below their legal limit. They charged  $\frac{1}{2}$ d., 1d., and  $1\frac{1}{2}$ d. fares, but on public holidays they suddenly increased these three classes of fares to 2d. under the portion of the clause to which he had referred. It seemed to him that that was very wrong to the public. It was an absurd anomaly it should be stated in the clause of an Act of Parliament that the charge should be not more than 1d. per mile if these companies were then to be allowed to charge 2d. for one mile, which in the majority of cases was all the distance people desired to travel on the tramways. He desired to get this clause struck out in the case of every Tramway Company, and especially in London, for it was almost entirely in London that this excessive charge was made. He heard he was to be opposed by the Board of Trade in this matter. He was sorry for

this, because it was the duty of the Board of Trade to protect the public in such cases. He had always noticed, however, that the Board of Trade had never done their duty towards the public with regard both to tramways and railways. They had allowed—in London, at any rate—tramways to be built in a most improper manner, and they had permitted such clauses as he complained of to be inserted in Bills without any attempt whatever to protect the public. Finding that the Board of Trade were not doing their duty, within the last 10 years the Local Authorities had turned their attention to these matters themselves, and Tramway Companies had been compelled to construct their tramways so that there would be as little danger as possible to the public. These remarks were even more applicable to the case of railways. He understood the Board of Trade were going to contend that to do away with this right to charge 2d. for one mile or fraction of a mile would damage rather than benefit the public. He would point out that Tramway Companies did not reduce their fares for the benefit of the public, but for their own benefit. They found they made money by it, and they had no right to increase these fares in the particular occasions of holidays. He disclaimed any animosity whatever against this particular company, which, he was told, did not increase their fares on Sundays, as some companies did. He was obliged to bring the question forward now, because this company was before the House of Commons at the present moment. His idea was to get this clause altered in every Act of Parliament referring to tramways in this country. It was a great hardship that working men and their families should be compelled to pay double the fare they expected, which was a serious matter indeed to them with their straitened resources, which made every 1d. of the greatest possible importance. He begged to move the Amendment.

A Clause (Amendment of s. 50 of Southwark and Deptford Tramways Act, 1879.)—(*Mr. A. C. Morton*),—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

*Mr. A. C. Morton*

THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside) said, the hon. Member had prefaced his statement by some observations as to the Board of Trade, which he would hardly have made if he had had any experience of that Body. He would put the House in possession of the actual facts of the case, and they could then judge whether the hon. Gentleman had any grounds for his present proposal. The London, Deptford, and Greenwich Tramways Company was a company which was established in 1879. It ran through the very poorest districts in London; it had carried more than 50,000,000 of people, and had never yet paid a dividend of more than one-half per cent. For three years they paid no dividend at all, and they charged the lowest tramway fares in London. They had a statutory right to charge 1d. per mile, but, instead of doing that, they only charged 1d. for 2½ miles and 1½d. for the whole distance of 3½ miles. The Bill now before the House had no reference to tolls whatever, but simply asked for an extension of time for completing certain works. The only complaint against the Tramway Company was that on three Bank holidays in the year, when large crowds went from London to Greenwich, and when it was impossible to measure short distances and take 1d. to be regulated by the distance, they allowed the passengers to go the whole distance for 1½d. Because the company did this three times in the year the hon. Gentleman wanted to introduce this Amendment into the Company's Bill, and to make it an exception to every other Tramway Company—although it was one which charged the lowest fares—by depriving it of the power of fixing a minimum fare of 2d., which they practically never exercised. He really thought the hon. Member had made out no case for interference, and he appealed to him to withdraw his Amendment. He would point out that Clause 55 in this Bill actually gave the power to any Local Authority—the London County Council to wit—to go before the Board of Trade and complain of this Tramway Company if it should at any time charge a fare in excess of its powers, and, what was more, the Board of Trade had a general power in such cases to reduce the fares. The hon. Gentleman should, therefore,

be a little more careful and not make statements as to there being no protection to working men. He hoped the Amendment would be withdrawn.

MR. LABOUCHERE (Northampton) said, these tramways were in the nature of monopolies, and when they came to ask for something beyond what had already been given, it seemed to him only reasonable that they on their side had a right to make a demand on the companies—

MR. MUNDELLA : There is nothing the company is asking for in this case except an extension of time to enable them to complete a portion of their line.

MR. LABOUCHERE said, they knew perfectly well that an extension of time in such cases was an enormous concession. What was it his hon. Friend asked for by his Amendment? That these tramways should charge on holidays the same as they charged on other days. His right hon. Friend replied that this was a poor company which did not make a large dividend.

MR. BARROW (Southwark, Bermondsey) : It makes none.

MR. LABOUCHERE would like to know what was the capital of the company, and he should like to go into the amount of free shares given and all about the contracts. He did not believe in this sort of thing. When a company constructed a tramway on a public road they did it at their own risk and peril, and if they did not believe it would turn out an exceedingly good thing they would not do it. Then they came there and asked for further time, and that House had a right, as a condition to granting that further time, to require that the company should charge on holidays the same fares as it charged on other days. There was a special and legitimate reason why the charge should be the same on holidays. Persons on holiday were apt to spend a good deal of money. His right hon. Friend seemed to think that when poor people had a holiday money was going to rain upon them—

MR. MUNDELLA : This company does not charge more on holidays than on other days for the through distance, and the traffic is almost entirely a through distance traffic. All the charge is 1½d. for 3¼ miles, although they have a statutory right to charge 1d. per mile.

MR. LABOUCHERE intimated that he should support the Amendment if it were pressed to a Division.

MR. BARROW said, this Amendment was moved altogether on indiscriminate grounds. The hon. Member for Peterborough said that whenever a Tramway Bill came up he felt it his duty to oppose it.

\*MR. A. C. MORTON ; I said nothing of the kind. I simply said I should try to make in every case the same Amendment as in this.

MR. BARROW said, the injustice and inequality came in the Amendment, because the circumstances of the various tramways differed very much; and if the hon. Member were to discriminate in his criticism and treatment, they might have more tolerance for what he said in the matter. He was not aware that the hon. Member had or represented any interests in the districts concerned, and he should have attached more value to the matter if the hon. Gentleman had discussed the question with some of the Representatives of the district. He (Mr. Barrow) represented a great part of the district through which this tramway ran, and he was prepared to say that the inhabitants would very much like to see this measure carried. It was for their convenience that this tramway should exist and be maintained. The working men of the district would suffer, instead of be benefited, if this Amendment were passed. This Tramway Company had been in existence for many years, they had sacrificed their own profits in the interests of the poor working men of the neighbourhood, and they did not intend to take advantage, even in the holidays, of exacting the fares which their statutory powers entitled them to—of 1d. per mile. He had no interest in the company, but he certainly had an interest in his constituents, and he considered that if the hon. Member for Peterborough were to have his way in the matter this Tramway Company would very soon cease to exist, and the people of Bermondsey and Rotherhithe would have no reason to be satisfied with the action of the hon. Member.

MR. ROWLANDS (Finsbury, E.) said, the point the hon. Member for Peterborough wished to bring before the House was that Tramway Companies were in the habit of increasing their fares at



holiday times. This might be a very poor company, but if it increased its fares at holiday times it was the very poorest class who would have to pay these increased fares, and what they desired in Bills of this description was to protest against the alteration and increase of fares on the very days that the poorer classes were anxious to avail themselves of the tramways in order to visit the parks and other places. He thought if they were wise those companies which had been in the habit of altering their fares on the occasion of holidays would take a note of warning from the Debate of this afternoon, and would understand that they were not to be allowed to sweat the working classes by the imposition of increased fares on almost the only occasions on which the working classes had the opportunity of using the trams.

MR. E. H. BAYLEY (Camberwell, N.) expressed the opinion that in the districts most specially concerned there was not the slightest feeling in favour of the Amendment of the hon. Member for Peterborough, but quite the contrary. This tramway ran through districts inhabited by a poor population, and it carried people a distance of  $3\frac{1}{2}$  or  $3\frac{3}{4}$  miles for  $1\frac{1}{2}$ d. It was in consequence of the smallness of the fares that he attributed the circumstance of the company paying no dividend. He pointed out that the effect of passing this Amendment would be, in all probability, to reduce the income of the company; and the result would be that the company would either be extinguished, to the great loss of the poor population of the districts, or the company would have to recoup themselves for increased expenses by reducing the wages of their *employés*, which he ventured to think would be a very undesirable state of things.

DR. CLARK (Caithness) observed that the London Railway, Tramway, and Omnibus Companies were in the habit of charging double fares on holidays, which often led to a deal of trouble. In the Bill which related to this company it was laid down that they should not charge more than 1d. a mile, or a less minimum than 2d. All his hon. Friend by his Amendment wished to do was to take away the right to charge 2d. for any distance, and even if that were assented to the company would still retain the right to a fare of 1d. a mile.

*Mr. Rowlands*

\*SIR A. ROLLIT (Islington, S.) sympathised with the desire of the hon. Member for Peterborough to reduce fares, and if he had proceeded by means of a general Bill, as he had in some other cases, he should have supported the hon. Member, as he had done previously. In this particular instance, however, it was shown there was not room for a reduction, and the fares charged even on holidays were below the maximum. He did not think, under the circumstances, that this was a case in which such a proposal as the hon. Member suggested could be put in force; and he would, therefore, press upon him the desirability of withdrawing his Amendment, and dealing with the question as he had suggested, instead of by opposing each of several Private Bills introduced for other purposes.

\*MR. MORTON said, he should be glad to be able to adopt the hon. Gentleman's suggestion, but it would be impossible to get such a Bill passed within any reasonable time.

Question put.

The House divided:—Ayes 103; Noes 118.—(Division List, No. 167.)

Ordered, That Standing Orders 223 and 243 be suspended, and that the Bill be now read the third time. — (*Dr. Farquharson.*)

Bill read the third time, and passed.

## QUESTIONS.

### EXPENDITURE ON PUBLIC WORKS IN INDIA.

MR. NAOROJI (Finsbury, Central): I beg to ask the Under Secretary of State for India if he will state, out of the total expenditure (including capital expenditure on public works) of Rs. 855,000,000 for the year 1890-91, what total amount (distinguishing Military and Civil Services) was paid in India and in England for salaries, pensions, and all sorts of allowances to Europeans in all departments?

THE UNDER SECRETARY OF STATE FOR INDIA (MR. GEORGE RUSSELL, North Beds.): This question cannot be answered accurately without an elaborate inquiry in India. But the

total amount as to which my hon. Friend asks for information may be approximately estimated at 14,593,000 tens of rupees.

#### ENGINE-ROOM RATINGS.

**MR. PENN (Lewisham):** I beg to ask the Secretary to the Admiralty whether there is a serious deficiency in the engine-room ratings of ships ordered to be mobilised in case of emergency at Portsmouth, Chatham, and Devonport; and, if so, whether he will state the numbers deficient in the several ratings, and whether he will take steps to increase the numbers; and whether any difficulty is found in supplying a sufficient number of engineers, engine-room artificers, and stokers to ships ordered to be mobilised for the Autumn Manœuvres?

**THE SECRETARY TO THE ADMIRALTY (Sir U. KAY-SHUTTLEWORTH, Lancashire, Clitheroe):** With reserves called out, there is a sufficiency of engine-room ratings for all the ships to be mobilised in case of emergency. With reference to the second part of the question, no difficulty is found.

#### DUBLIN, WICKLOW, AND WEXFORD RAILWAY.

**MR. DANE (Fermanagh, N.):** I beg to ask the President of the Board of Trade is he aware that great apprehension exists amongst the public in the Dublin Pembroke Township owing to the dangerous condition of the bridges carrying the Dublin, Wicklow, and Wexford Railway over Bath Avenue and South Lotts Road; and whether he will take immediate steps to enforce their re-construction in compliance with the recommendations contained in the Report of the Board of Trade Inspector?

**THE PRESIDENT OF THE BOARD OF TRADE (Mr. MUNDELLA, Sheffield, Brightside):** I have communicated with the company, and they state that, a sketch plan for strengthening the bridge having been examined by the Inspector to the Board of Trade, a finished plan is now being prepared for transmission to him for approval, and that no time is being lost. I have given instructions that the company shall be urged to push on the work as fast as possible.

#### THE RIVER SCARIFF.

**MR. W. REDMOND (Clare, E.):** I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that portions of the river leading to Scariff are dangerous to navigation because of boulders appearing near the surface, and that a boat sustained injuries some time ago because of the dangerous state of the river; and whether some steps can be taken to remove the obstructions complained of and make the river safe for boats?

**THE CHIEF SECRETARY FOR IRELAND (Mr. J. MORLEY, Newcastle-upon-Tyne):** The Board of Works have instructed their District Engineer to inquire into and report on this matter; but owing to other engagements he cannot do this for some days. Perhaps the hon. Member will be good enough to repeat the question in a fortnight.

#### EVICTED TENANTS IN IRELAND.

**MR. BARTLEY (Islington, N.):** I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he could state to the House how many evicted tenants were out of their holdings in August last, and how many have been reinstated up to the 1st June last; and whether he can give the figures separately of the Plan of Campaign estates?

**MR. J. MORLEY:** For the reasons referred to in my reply to a somewhat similar question addressed to me on the 28th April last by the hon. Member for South Hunts, I fear it is not possible to supply the information now asked for.

**MR. BARTLEY:** Then are we to understand that there has been no result from the considerable expenditure and inconvenience caused by the Evicted Tenants Commission?

**MR. J. MORLEY:** Information is given in the Report with regard to the number of evicted tenants and new tenants, or planters as they are called; and if the hon. Member wishes that information brought up to date I will see what can be done. I do not, however, think it is expedient.

**MR. T. W. RUSSELL (Tyrone, S.):** May I ask whether the Returns appearing in the Report were furnished by the police, or were they merely sent in by the tenants?

Mr. J. MORLEY : I am afraid I cannot answer that without notice.

#### NEW MAIL SERVICE BETWEEN AUSTRALIA AND CANADA.

Mr. HOGAN (Tipperary, Mid.) : I beg to ask the Postmaster General whether he has observed a cable message from Vancouver, announcing the arrival of the *Miowera*, the pioneer steamship of the new service from Australia to Canada, subsidised by the Canadian and New South Wales Governments ; whether he is aware that the *Miowera* has brought a mail from Australia to England made up by the Sydney and Brisbane Postal Authorities ; whether he has noticed that the *Miowera* accomplished the voyage from Brisbane, her last Australian port of call, to Vancouver in 19 days, being two days in advance of her advertised time of arrival ; and whether, in view of the foregoing, and having regard to the fact that the steamers engaged in this new service connect with the Canadian Pacific Railway, and therefore offer exceptional advantages as a postal route, passing through no foreign territory, between Great Britain and Australia, he will consider the advisability of utilising this new service for Imperial postal purposes when opportunity offers ?

THE POSTMASTER GENERAL (Mr. A. MORLEY, Nottingham, E.) : I have seen statements in the Press of the arrival at Vancouver of the vessel named in the question ; but I have received no official information as to the despatch of mails from Australia for England by that steamer. According to the newspaper announcements, whatever mails may have been despatched for England on the occasion referred to have been sent from Canada to New York, and are to arrive in the German steamer *Victoria Augusta*. I am fully alive to the advantage of the Canadian Pacific route as a possible route through British Dominions between this country and some of her Eastern Dependencies, and shall watch with interest the development of the new service.

#### BRIGADE-SURGEON JOYNT.

Dr. KENNY (Dublin, College Green) : I beg to ask the Under Secretary of State for India (1) whether his attention has been called to the fact that, although Brigade-Surgeon Joynt, in 1883, was

promised by the Bombay Government promotion to the rank of Deputy Surgeon-General on the expiration, in June, 1884, of the term of office of Surgeon-General Hewlett, who then held the post, on the expiration of his term of office in June, 1884, Surgeon-General Hewlett was re-appointed for another term of four years ; (2) whether there was any precedent for such a course, and why was it sanctioned by the Secretary of State for India ; (3) will he explain on what grounds, when the Indian Government recommended that a supernumerary Deputy Surgeon-General should be appointed for Bombay during the extra term of service of Surgeon-General Hewlett, their recommendation was adopted by the Secretary of State for India, and Dr. Cook was appointed to that position instead of Dr. Joynt, to whom it had been promised ; (4) for what reason was Dr. Cook promoted, seeing that he had been previously declared ineligible for promotion ; (5) is he aware that Dr. Joynt has been compelled by the Rules of the Service to retire at 58 years of age, his pension being £550 instead of £700, to which he would have been entitled had he received the promotion promised to him ; (6) and whether, seeing that the Government of Bombay, with a full knowledge of his services and the facts of his case, recommended that Dr. Joynt should be awarded the full pension of £700, the Secretary of State for India will now advise the adoption of that recommendation ?

Mr. GEORGE RUSSELL : (1.) Brigade-Surgeon Joynt was never promised the promotion which he claimed. (2) The Secretary of State is not aware of any precedent, but the appointment was not contrary to any rule. (3) The Government of Bombay, in the exercise of their discretion, recommended Dr. Cook, the Senior Brigade-Surgeon, for the supernumerary Deputy Surgeon-Generalship created to compensate the Bombay Medical Service for the loss of promotion caused by Dr. Hewlett's re-appointment. Dr. Joynt, as already stated, had not been promised promotion. (4) Dr. Cook had not been declared ineligible for the promotion which he received. (5) Had Dr. Joynt been promoted and allowed to remain in the Service he would have received a higher

pension ; but, as stated, he was never promised promotion. (6) The Government of Bombay recommended that Brigade-Surgeon Joynt should be allowed to have his service extended in order that he might then qualify for the higher pension of £700 ; but the Secretary of State in Council did not consider that such extension would be consistent with the interests of the Public Service.

DR. KENNY : In consequence of the answer just given, I beg to give notice that I will, on the Estimates, call attention to this case of gross hardship and injustice.

#### PRISON CLERKS AND STOREKEEPERS.

MR. GRAHAM (St. Pancras, W.) : I beg to ask the Secretary of State for the Home Department whether he can now state to the House the result of his inquiry on 4th February last, into the case of the clerks and storekeepers of Her Majesty's prisons ; whether, in view of the Report of the Departmental Committee of Inquiry of 1886 for the amalgamation of the first and second class clerks, but not yet carried out, he will now recommend such amalgamation ; and whether, in the event of such amalgamation, he will recommend that the present second class clerks shall each be awarded the sum of £25 per annum, granted to the second class clerks on promotion in 1890, and thus remove the anomaly of clerks performing duties of signal responsibility, and in some cases only a few months senior, receiving a higher salary of £25 per annum in perpetuity ?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. ASQUITH, Fife, E.) : As regards the first paragraph, I have to say that my inquiries into the case of the prison clerks went to show that their grievance rested on a block in promotion. A similar grievance exists in varying degrees in almost every department ; but as a matter of fact, in the case of the prison clerks only one second class clerk has, up to the present, attained the maximum of his scale. The case of the prison clerks has been fully considered both by myself and the Treasury, and the conclusion arrived at was that it had been met, so far as was reasonably practicable, by the material improvements in the position of the staff effected in

1890, when the maximum of the second class was raised from £130 to £150, and the number of the first class was raised by promotion from the second from 43 to 92, while that of the second was reduced from 139 to 88. As regards the second and third paragraphs, I adhere to the view of my predecessor, that it is not advisable to amalgamate the first and second classes of clerks as recommended by the Committee which reported in 1890.

#### EDINBURGH TELEGRAPH OFFICE.

MR. DALZIEL (Kirkcaldy, &c.) : I beg to ask the Postmaster General whether he is aware that on successive occasions there have been recommended for promotion to the rank of second class assistant superintendent at Edinburgh two officers of the "clerks" class, who are not, and never have been, capable of performing the duties of an officer of the lowest grade of operators, but who, as assistant superintendents, will be called upon to supervise operators of all classes ; whether he is aware that the vacancy has existed since August, 1892, and that the duties during that interval have been discharged by men whose practical knowledge is indisputable ; and is it intended that these men, who, in some instances, possess longer service, shall be superseded ?

MR. A. MORLEY : The hon. Member appears to be under a slight misapprehension. The fact is, that last autumn a clerk on the Telegraph Establishment in Edinburgh was recommended for promotion to a vacancy then existing on the second class of assistant superintendents. This clerk was second on his class, and, although in other respects an excellent officer, I was not satisfied that he possessed the necessary technical knowledge, as the special duties he had been performing had excluded him from the opportunity of acquiring it. In this respect, he and the senior clerk on the class, who was also an excellent officer, stood on the same footing, and before deciding the matter I considered that an opportunity should be afforded to them both of showing whether they could acquire the necessary technical knowledge. For this purpose, a certain period of probation was fixed, and until that period has expired the matter will not be decided. It is obvious that until the

technical knowledge was acquired, the clerk recommended could not be placed on the duty, and that, in the meantime, this duty had to be otherwise provided for.

**MR. DALZIEL :** Then, as a matter of fact, since the recommendation was made, the gentleman recommended has been engaged in acquiring the necessary knowledge for the post. Is it to the interest of the Public Service that he should be given a year in which to learn his duties?

**MR. A. MORLEY :** He was allowed six months, and not a year. In all other respects he was thoroughly well qualified for the post.

#### TIMBER RATES ON THE NORTH BRITISH RAILWAY.

**MR. DALZIEL :** I beg to ask the President of the Board of Trade whether he is aware that the North British Railway Company has increased the rate of timber between Leith and Kirkcaldy from 2s. 8d. to 4s. per ton, and of furniture from 12s. 1d. to 15s.; and whether, in view of the fact that the General Manager of the North British Company stated before a Committee of the House of Commons, when the Kirkcaldy and District Railway Bill was under consideration, that the rates between the places named had not been, and would not be, advanced because of the erection of the Forth Bridge, he will take steps to induce the North British Company to revert to the rates formerly in force?

**MR. MUNDELLA :** I have communicated with the Company upon the subject of the hon. Member's question, and the Manager informs me that the former rates were unduly low for the distance, and their continuance could not be justified. He adds that in the general revision the Company found it necessary to increase the rates to bring them into conformity with other rates for similar distances. I have no power of further interference.

**MR. BARRY (Wexford, S.) :** Is the right hon. Gentleman aware that the North British Railway Company have also advanced their rates for general merchandise from 30 to 60 per cent., and have, in spite of repeated promises, refused to revert to the old rates?

**MR. MUNDELLA :** I must ask for notice of that question.

*Mr. A. Morley*

#### RE-DIRECTED CIRCULARS AND POST CARDS FROM ABROAD.

**MR. HENNIKER HEATON :** I beg to ask the Postmaster General if he will explain on what grounds circulars and post-cards arriving in this country from traders, lottery agents, and others on the Continent, if directed to a place of residence which has been given up by the addressee, are re-directed and delivered free by the British Post Office, the whole of the postage on which circulars is retained by the Governments of the countries of origin, and in respect of which the English Post Office does all the work without remuneration; while the British Post Office refuses to re-direct and deliver free circulars and postcards from merchants and traders in this country, the whole of the postage on which is received by the British Government; whether he will give instructions to allow our countrymen the same advantages as are enjoyed by foreigners in this respect; and whether he is aware that a British postman frequently delivers free a re-addressed letter posted in this country, but is instructed to demand a fine for the delivery of a British circular re-addressed, and carried by him in the same bundle, or bag, with the letter referred to?

**MR. A. MORLEY :** The free re-direction in this country of postal packets of all kinds received from abroad is one of the obligations assumed by the Post Office of the United Kingdom under the Postal Union Convention, and I may point out that it is our own countrymen, and not foreigners, as suggested in the question, who are thus exempted from charge, although foreigners, of course, benefit from the reciprocal arrangements which apply abroad to correspondence sent out from this country. I stated only a few nights ago, in reply to the hon. Member for Peterborough, that I could not see my way to depart from the decision of the late Government confining the free re-direction of inland postal packets to letters. In regard to the last question of the hon. Member, it must, of course, be the case that re-directed letters, on which no charge is made, and re-directed circulars for the same address, which are liable to charge, are sometimes found in the hands of the same postman.

MR. HENNIKER HEATON : I do appeal to the right hon. Gentleman to re-consider his decision to take away that right with regard to the re-direction of letters which Members of this House and the public generally have hitherto enjoyed.

#### INDIAN PENSIONS TO EUROPEANS.

MR. MAC NEILL (Donegal, S.) : I beg to ask the Under Secretary of State for India (1) whether a Mr. Willmott, holding the appointment of Assistant Political and Financial Secretary to the Nizam of Hyderabad, has induced that State to grant annuities of Rs.600 each per annum to his four sons for their lives ; (2) under what circumstances the Resident of Hyderabad sanctioned these grants ; and (3) whether the grants are in direct contravention of the Rules of the Secretary of State for India as regards the employment of Europeans in Native States ?

MR. GEORGE RUSSELL : Mr. Willmott is not, and never has been, in the service of the Government of India ; nor is he under its control. The Secretary of State has not heard of the grants referred to. (2) Such grants would not require the sanction of the Resident ; nor has the Government of India any control over the details of the financial administration of Hyderabad. (3) The Secretary of State, as at present advised, has no reason to suppose that the persons to whom grants are said to have been made are in the employment of the Hyderabad State ; nor is he aware whether or not they are Europeans.

MR. MAC NEILL : I hope the hon. Gentleman will further inquire into this matter.

#### OSTEND TRAWLERS AND LOWESTOFT FISHING BOATS.

MR. HARRY FOSTER (Suffolk, Lowestoft) : I beg to ask the Secretary to the Admiralty if his attention has been called to the fact that, on Thursday night last, a Lowestoft fishing boat, belonging to Mr. T. E. Thirtle, while fishing about eight miles east of Lowestoft, had its nets trawled into by an Ostend trawler ; and that, on Friday night last, two Lowestoft fishing boats, belonging respectively to Mr. W. Turrell and Mr. G. Watford, endured a similar experience from an Ostend trawler when fishing about

seven miles east of Lowestoft ; whether these facts were duly reported to Her Majesty's Customs at Lowestoft on Saturday morning, with the request that the one gunboat, now on the station for fishing protection duty, should be reinforced, and a sharper look-out kept in view of the frequency of these depredations during the past few months ; and whether any steps have been taken by the Admiralty, in view of these complaints and the serious loss to the fishermen which such occurrences frequently occasion ?

\*SIR U. KAY-SHUTTLEWORTH : Inquiry has been made respecting the facts stated in the first paragraph of the question, and they appear to be correct. They were reported to Her Majesty's Customs at Lowestoft on Saturday, and by them to the gunboat. The Admiralty greatly regret the loss to the fishermen, but are of opinion that for the protection of the fisheries the force at present employed is sufficient—namely, one gunboat and two sailing cruisers, besides H.M.S. *Hearty*.

#### THE SCOTCH BOUNDARY COMMISSION.

MR. MACFARLANE (Argyll) : I beg to ask the Secretary for Scotland when the recommendation of the Boundary Commission, that Conaglen, Ard-gour, and Kingairloch should be made into a separate parish, will be carried into effect ?

THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton) : The Boundary Commissioners found two very large parishes, Ardnamurchan and Kilmallie, situated side by side, and each lying partly in Inverness and partly in Argyll. They recommended that the Inverness-shire portion of Ardnamurchan, and the Argyllshire portion of Kilmallie, should each be formed into a new civil parish. By the 51st section of the Local Government Act of 1889 the Secretary for Scotland is empowered to carry out these changes, but only on the representation of a County Council. The County Council of Inverness have made the necessary representation as regards Ardnamurchan, and the Local Authorities interested are now being consulted about it. But no representation regarding Kilmallie has yet been made either by the County Council of Inverness-shire or

Argyllshire. Conaglen and Ardgour are situated in the Argyllshire portion of the Parish of Kilmallie.

#### BIDFORD TELEGRAPHIC FACILITIES.

MR. FREEMAN-MITFORD (Warwickshire, Stratford): I beg to ask the Postmaster General whether he will take into consideration the disadvantage under which the town of Bidford, in Warwickshire, stands by having no telegraph office nearer than Broom Junction, a distance of nearly two miles; whether a promise was given by the Post Office that a telegraph office should be established at Bidford before the end of March last; and whether he will now give effect to that promise?

MR. A. MORLEY: The telegraphic extension was sanctioned and would have been carried out before this, but a proposal has been under consideration to include the village of Welford. This has now been sanctioned, and, subject to difficulties in connection with wayleaves being overcome, the work will be carried out without delay.

#### SCOTCH EDUCATION MINUTE.

MR. RENSHAW (Renfrew, W.): I beg to ask the Secretary for Scotland whether a decision has yet been arrived at in regard to the Education Minute of 1st May; and whether he can state, for the information and guidance of the County and Burgh Committees, what the precise change is which he has signified his intention of making on the Minute next year?

SIR G. TREVELYAN: With regard to the current financial year, during which a sum of £114,000 will be available for secondary education, the terms of the Minute of May 1 will be acted upon, and we shall accordingly ask the County Committees to frame and submit schemes in accordance with that Minute. Next year, before the grant is divided in proportion to population, a sum of £200 will be assigned to each County and Burgh Committee, which, if they so recommend, may be allocated to the higher class schools indicated as proper recipients of a special grant under paragraph 8 of the Minute of January 31. In any case, whatever they do with the money, each Committee will get the £200.

*Sir G. Trevelyan*

#### LONG SERVICE DECORATIONS FOR VOLUNTEERS.

MR. THEOBALD (Essex, Romford): I beg to ask the Secretary of State for War if, and when, it is intended to give long service decorations to non-commissioned officers and privates of the Volunteer Service who have served over 20 years?

\*THE SECRETARY OF STATE FOR WAR (MR. CAMPBELL-BANNERMAN, Stirling, &c.): It has probably escaped the notice of the hon. Member that I stated last week, in reply to a similar question, that the matter is not being lost sight of. I fear I cannot at present say more.

#### THE EXTRADITION OF DR. HERTZ.

MR. W. REDMOND: I beg to ask the Under Secretary of State for Foreign Affairs whether the French Government have demanded the extradition of Dr. Cornelius Hertz, and upon what charge the demand for such extradition has been based; and whether Her Majesty's Government have decided to accede to the application; if so, what is the cause of the delay in surrendering Dr. Hertz?

THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (SIR E. GREY, Northumberland, Berwick): The extradition of Dr. Hertz was requested by the French Government on the 19th January last on charges of fraud and of obtaining money by false pretences, and the necessary instructions to the Chief Magistrate to issue a warrant for his arrest were issued by the Home Secretary on the same day. Hertz was arrested at Bournemouth, but it has as yet been impossible, owing to the serious state of his health, to bring him up for examination before the Chief Magistrate at Bow Street. Dr. Hertz cannot even be moved from one room to another, and two eminent French physicians who have seen him lately have confirmed the opinion of the English doctors.

#### THE LIBERATOR SOCIETY'S FAILURE.

MR. KEIR HARDIE (West Ham, S.): I beg to ask the Solicitor General whether, in view of the widespread suffering caused by the failure of the Liberator Building Society, and the fact that if compelled to

immediately realise the assets nothing like the full value will be obtainable, the Government can in any way intervene to protect the depositors and shareholders against the loss which would thus ensue?

**THE SOLICITOR GENERAL** (Sir J. RIGBY, Forfar): The Official Receiver has taken all the steps in his power to protect the interests of the shareholders and depositors of the Society. Arrangements have been made by him and the Committee of Inspection to realise the assets to the best advantage, and the Government cannot further intervene.

#### ALLEGED THEFT OF DOCUMENTS FROM THE FRENCH EMBASSY.

**MR. LABOUCHERE** (Northampton): I beg to ask the Under Secretary of State for Foreign Affairs whether there is any foundation for the statement made in the French newspapers that important documents have been stolen from Her Majesty's Embassy at Paris, or for the statement that a document, alleged to have been obtained from Her Majesty's Embassy, was sent to the private secretary of Lord Dufferin with a threat to publish it if it was not purchased, and perceived by him to be a fabrication?

**SIR E. GREY**: There is no foundation whatever for the statement that documents have been stolen from Her Majesty's Embassy, and what was read in the French Chamber is a gross and palpable forgery.

**MR. T. M. HEALY** (Louth, N.): Is there any truth in the report that these forged documents were supplied to M. Millevoe from *The Times* office by our old friend, Mr. Walter?

[The question was not answered.]

#### LORD DE RAMSEY'S COMMITTEE ON PRISON SERVICE.

**VISCOUNT CRANBORNE** (Rochester): I beg to ask the Secretary of State for the Home Department whether he will lay upon the Table the Report of Lord De Ramsey's Committee of 1891, upon the position and terms of service of prison officers?

**MR. ASQUITH**: It would not be in accordance with usage to lay upon the Table the Report of a Departmental Committee on an administrative matter

after the lapse of two years, and when its recommendations have been largely carried into effect. But I shall be glad to supply the noble Lord, and any other hon. Member who desires it, with a copy for his own information.

#### CHINA AND JAPAN MAILS.

**MR. PROVAND** (Glasgow, Blackfriars): I beg to ask the Postmaster General whether he is aware that mails from China and Japan are received *viâ* New York usually several days and sometimes a week sooner than *viâ* Halifax or Quebec; and will he therefore arrange for these mails to be sent forward by the New York steamers?

**MR. A. MORLEY**: During the present year the average transit time from Yokohama to London has been nearly 32 days *viâ* Quebec or Halifax, and nearly 31 days *viâ* San Francisco. There are cases in which the mails sent *viâ* Vancouver might be expedited by being diverted from the Canadian Pacific Railway and carried to New York, there to be placed on board the United States packet for this country; but that result, even if it could always be secured, would deprive the service of the advantage of being wholly British, to which considerable importance has, I think, reasonably been attached.

**MR. PROVAND**: Will the Postmaster General inform us to what extent the service would not be British? If letters were carried by the Canadian Pacific Railway to Montreal, thence by another railway to New York, and by British steamers across the Atlantic, is it not the case that the mails would only be for a few hours between Montreal and New York on a foreign mail route?

[The question was not answered.]

#### THE "PARLIAMENTARY DEBATES."

**MR. DALZIEL**: I beg to ask the First Lord of the Treasury whether it is the intention of the Government to carry into effect the recommendations of the Select Committee on *Parliamentary Debates*?

**THE SECRETARY TO THE TREASURY** (Sir J. T. HIBBERT, Oldham): New arrangements could not in any case be made until the expiration of the contract for the present Session; and though the Government will give every consideration to the Report of the Select



Committee, I do not think they could announce a final decision until the House has itself had an opportunity of expressing its opinion on the subject.

MR. DALZIEL: And when will that opportunity be provided?

SIR J. T. HIBBERT: In Committee of Supply, on the Stationary Vote.

#### THE IRISH LEGISLATIVE COUNCIL.

MR. SAUNDERS (Newington, Walworth): I beg to ask the First Lord of the Treasury if he can now inform the House as to the number of electors in Ireland who would be qualified to vote for the Legislative Council under the proposed £20 rating franchise?

THE FIRST LORD OF THE TREASURY (Mr. W. E. GLADSTONE, Edinburgh, Midlothian): The number of electors in Ireland who would be qualified to vote for the Legislative Council under the proposed £20 rating franchise is 162,007. From these, 18,384 women would have to be deducted, and 19,165 male owners, who have votes as inhabitants, added, giving a net total of 162,788.

#### THE LOSS OF H.M.S. "VICTORIA."

MR. W. E. GLADSTONE: I wish to communicate to the House the deplorable intelligence that we have received of the catastrophe which has occurred in the course of the manœuvres off Tripoli, on the Syrian Coast, by which the *Victoria* has been lost and the *Camperdown* injured to an extent not yet quite ascertained. I will read the telegram that has reached the Admiralty from Admiral Markham, the second in command, one of the sad features of this occurrence being the loss of the Admiral in chief command, Admiral Tryon, who was one of the most respected and ablest of the officers in the Navy. This is the telegram from Admiral Markham—

"Regret to report, whilst manœuvring this afternoon off Tripoli, *Victoria* and *Camperdown* collided. *Victoria* sank 15 minutes after in 80 fathoms, bottom uppermost.

*Camperdown's* ram struck *Victoria* before the turret starboard.

Following officers drowned.

Commander-in-Chief.  
Clerk Allen.  
Lieutenant Munro.  
Chaplain Morris.  
Chief Engineer Foreman.  
Engineer Harding.

Sir J. T. Hibbert

Assistant Engineers Deadman, Hatherly, Seaton.

Gunner Howell.

Boatswain Barnard.

Carpenter Beall.

Midshipmen Inglis, Grieve, Fawkes, Lanyon.

Henley, Gambier, Scarlett.

Naval Cadet Stooks.

Assistant Clerk Savage.

Fleet Paymaster Rickcord.

Two hundred and fifty-five men saved; will report their names by telegraph.

Injury to *Camperdown* not yet fully ascertained, but damage so serious as to necessitate docking.

Propose to send survivors to Malta at once.

Await instructions.

MARKHAM."

The Admiralty state that, according to the latest return (May 25), there were on board the *Victoria* 718 persons (611 officers, seamen, and boys, and 107 marines). Of this number it is feared that upwards of 430 must have been lost. Until further information is received it is impossible to give a more accurate statement, and it is possible that at the time of the disaster certain men may have been lent to other ships. That is the only hope, Sir, of any mitigation of this sad intelligence, with respect to which we are certain that the deepest sympathy of the House will be excited, not only on behalf of those brave men who have found an early grave amid all the circumstances of peace, pomp, and splendour, but also on account of the surviving relatives and families of the large number of persons whose loss we have to deplore.

\*LORD G. HAMILTON (Middlesex, Ealing): Perhaps the House will allow me, as I had during the time that I was in Office the honour of close personal relations with Admiral Tryon, and also commissioned the ship, the loss of which we have to deplore, to add my humble testimony to the tribute paid by the Prime Minister to those who have perished in this terrible calamity. Heavy as is the loss of men, we cannot gauge the extent of the disaster by simply enumerating those who have met with this sad fate, for that which I think oppresses and afflicts most those who are acquainted with the *Victoria* is the knowledge that the men who have perished were the pick and flower of the whole British Navy. The tribute of the Prime Minister to Admiral Tryon is well deserved. He was an officer of rare capacity. I had the honour of being associated with him during the whole

time that I was in Office, and I can truly say that as a strategist, as a disciplinarian, as a seaman, he was greatly distinguished. In action and in council he was equally efficient, and those who knew him best predicted confidently that if he had an opportunity he would make a name and reputation second to none of those gained by the most distinguished men who had preceded him in a most distinguished Service. Such was the officer who in the zenith of his manhood and intellect has suddenly perished, and I cannot better describe the officers and men who were drowned with him than by saying that they were worthy associates of Admiral Tryon, for they formed part of a crew which, by the universal testimony of all who saw or inspected it, was one of the most efficient and best conducted that this country ever sent afloat. I feel sure the House and the country will re-echo and endorse that kindly expression of sympathy which fell from the Prime Minister. The mere knowledge that those who have perished were so gifted increases the grief of those who have to mourn their loss. We as public men can do little to assuage their sorrow, but whatever we can do I am sure we shall do heartily and spontaneously. Therefore, let us hope that the graceful and eloquent tribute paid by the Prime Minister—the expression of genuine public sympathy which this House is the first to utter, and, above all, that the recorded sense of the worth of those whom we have lost may hereafter be some small solace to those upon whom this calamity has so suddenly fallen.

MR. KEARLEY (Devonport) : I should like to ask the Prime Minister whether the Government will consider the necessity of making at once suitable temporary provision for the wives and families of those who have been lost ?

MR. W. E. GLADSTONE : That is a question which, of course, will come under the consideration of the Admiralty at once.

\*SIR E. J. REED (Cardiff) : May I ask the Prime Minister whether he will cause to be placed in the Library or the Tea Room of the House a drawing of this ship which will show the division of her watertight compartments, in order that those who have some acquaintance with the construction of ships may be able to form a judgment as to how it has

happened that a single blow from another vessel has sent so costly a ship and so many valuable lives to the bottom ?

MR. MACFARLANE : When did this deplorable accident occur ?

MR. W. E. GLADSTONE : Yesterday afternoon.

MR. MACFARLANE : In daylight ?

MR. W. E. GLADSTONE : Yesterday afternoon. I may say, with respect to the question of my hon. Friend, it is not only with regard to the important particulars he has named, but with regard to all the particulars, that it will, of course, as a matter of public duty be necessary to make the fullest investigation, and the results will be made known to this House and the country.

\*SIR E. J. REED : I am afraid the Prime Minister has not heard my question. I have no doubt that a full and complete investigation will be made, and that its results will be laid before the House. What I asked was whether the right hon. Gentleman will cause to be placed in the Library or the Tea Room a profile drawing of the ship showing the division of the bulkheads, so that those who are closely concerned in matters of this kind might see how it is that a ship so largely sub-divided has been sunk ?

\*SIR U. KAY-SHUTTLEWORTH : Perhaps my hon. Friend will allow me to answer the question. The subject was considered this morning at the Admiralty, and I think I may say that the Admiralty will be perfectly prepared to put a profile drawing in the Library or Tea Room, and also other drawings, showing the very remarkably complete watertight compartments which existed in the *Victoria*, and which are almost unequalled in any other ship.

MR. GOSCHEN (St. George's, Hanover Square) : May I suggest that all these very important questions relating to this controversy may be postponed to some other day, and that the universal expression of sorrow and grief at this great catastrophe may not on this occasion be disturbed by premature views with regard to the cause of the accident ?

MR. T. W. RUSSELL (Tyrone, S.) : Will the Secretary to the Admiralty place in the Tea Room a list of those who have been saved ?

\*SIR E. J. REED : May I be allowed to disclaim what the right hon. Gentle-

man has said, for I assure the House it was not with the slightest desire to complain, or to blame, but solely for the satisfaction of our minds in studying such an accident as this that I asked for the drawing?

MR. GIBSON BOWLES (Lynn Regis): Is the Tripoli mentioned on the African or the Syrian coast?

SIR U. KAY-SHUTTLEWORTH: Tripoli on the Syrian coast.

MR. T. W. RUSSELL: Will the right hon. Gentleman be good enough to answer my question?

SIR U. KAY-SHUTTLEWORTH: The earliest possible information will be given to the House as soon as we know the names of the officers and men who have been saved.

### ORDERS OF THE DAY.

#### GOVERNMENT OF IRELAND BILL.

(No. 209.)

COMMITTEE. [*Progress, 22nd June.*]

[TWENTY-SEVENTH NIGHT.]

Bill considered in Committee.

(In the Committee.)

#### *Legislative Authority.*

Clause 4 (Restrictions on powers of Irish Legislature).

MR. PARKER SMITH said, he rose to move an Amendment to add, after the 6th sub-section, the words—

“Whereby the actions of any official of the Government shall be removed from the cognisance of the ordinary law.”

The object of the Amendment was to bar the introduction by the Irish Legislature of any system of *droit administratif*, such as was referred to by Professor Dicey in his *Law of the Constitution*. This system of *droit administratif* was not one which existed in England, but it was adopted almost all over the Continent, and Continental jurists who studied our law considered it a remarkable feature of that law that we had no such system. The principle of the system was to give to the officials of the Government a very special position, and rights and privileges in the deciding of actions brought against them, which were not possessed by ordinary citizens. In a previous sub-section they had adopted words to the effect that the

powers of the Irish Legislature should not extend to the making of any law—

“Whereby any person might be deprived of life, liberty, or property, without due process of law, in accordance with settled principles and precedents, or may be denied the equal protection of the laws, or whereby private property may be taken without just compensation.”

That was the main fundamental protection which individual citizens required. It was further, however, a recognised principle in Great Britain that every man should be subject to the ordinary law, as administered by the ordinary tribunals; but he saw nothing in the Bill which would make that an essential part of the future rights of Irish citizens under this Bill. Liberty with us had been to a large extent established as the result of actions brought against officials—such as proceedings against Colonial Governors, and actions against the Serjeant-at-Arms, who had been brought before the Courts of Law for refusing to comply with the Habeas Corpus Act. It had been held that every official of the Government was subject to every tribunal, and could not defend himself by his administrative position. But this was an exceptional view—almost an insular view. But on the Continent—in France, Germany, Russia, and other countries—Government officials could not be made amenable to the ordinary Courts of Law. Acts done by them were questions of administrative law. It was before an Administrative Court, not composed of Judges of the land but of their own official superiors, that they were brought. And the case was stronger than this, because even in uncertain cases, where it was an open question whether the matter was one for the ordinary Courts or the Administrative Courts, it was not the ordinary Courts of Judicature which decided, but the Supreme Administrative Court. It seemed to him that these principles were principles which would be tempting to the Irish Legislature. They would have full confidence in themselves, and it was highly probable that they would frequently find the Judicature standing in their way. They would find that they had far more control over their own officials and the members of the Administration than they had over the Judges. It was not at all unlikely that they would resort to a principle of this kind—a principle which was not only a part of

Sir E. J. Reed

the existing law in France, but which was according to French ideas previous to the Revolution. Was the Irish Legislature to have power, subject only to the invidious control of the veto, to set up a *droit administratif* of this kind? Did the Committee desire that they should have that power, and did they consider that under the Bill as it stood they would have that power? On many Amendments the Solicitor General had got up and had said that the proposal was covered by words already in the Bill, and the hon. Member for North Kerry had risen and said it was an insult to the Irish people to suppose that they would ever do the particular thing it was sought to prevent, and, at the same time, that it would be an insult to deprive them of the power of doing it if they chose. Well, in regard to this particular matter, the only words he could see in the Bill which could possibly bring it within the purview were the words by which every citizen was given equal protection of the law. He would ask the Solicitor General whether he considered that those words covered the matter? [Sir J. RIGBY made no response.] The words did not seem to him to cover the matter at all. Those general words covered cases of personal injustice or inequality. They had been considered and dealt with, of course, under the American Constitution; but too much stress was not laid on them. For instance, they were not held to cover laws made against a special race—the Chinese. But, to put it on a wider ground, he did not see how it could be maintained that in France and Germany men had not the equal protection of the law. And he did not see how it could be urged that it would be an insult to Ireland to suggest that she might desire to follow the example of Continental jurists. It seemed to him that this was not only an extremely important provision, but that it would prevent what might very easily arise in Ireland. The Irish Legislature would have the Administration practically under its control. According to the desire of every active Representative Body, it would seek to get more and more power into its hands. It would find *droit administratif* a very straight and easy and measured path to that result, and no one would be able to say that its action was unjust, seeing that, after all, the principle

of giving special privileges to servants of the Government was a principle recognised as in the best interests of the country by countries such as France and Germany. That being so, it seemed to him that his Amendment was simply a corollary of the new and most important Sub-section 5. He hoped the Government would see their way to accept it.

#### Amendment proposed,

In page 2, after line 41, to insert as a new subsection, the words, "(7) Whereby the actions of any official of the Government shall be removed from the cognisance of the ordinary law; or."—(Mr. Parker Smith.)

Question proposed, "That those words be there inserted."

MR. J. MORLEY: The hon. and learned Member has described the method in which the Amendments moved by himself and others have been met by Her Majesty's Government; and I think I might, if I were so minded, make some remarks of a recriminatory character on the hon. and learned Member. He has been endowed, I hope I may say without discourtesy, with the gift of length. The hon. Member brings forward something out of the American Constitution, or, as in this case, out of a book by Professor Dicey, and he deals with it at a length entirely out of proportion to its importance, then he objects because we do not answer him at corresponding length. I do not propose to alter the course we have taken on previous occasions, and I will give him as short an answer as I possibly can. I quite agree with what Professor Dicey has said as to its being a distinction to our Constitutional system that we have not, and have not for many generations, had a *droit administratif*. But why are we to assume that the Irish Legislature will be less sensible of the superiority of our system than we are? The hon. Member talks of Russia, Germany, and France. As far as France is concerned, it is quite certain that the *droit administratif* is part of the old system of France, which has not been got rid of any more than many other portions of that system have been got rid of. But in Ireland they will start anew, and the whole habit of thinking about these systems has been formed on different models. We are told almost with one breath that the

Irish Parliament will be a body of Anarchists, and that they will resort to the customs of centralised despotism inherited from old France and Prussia. My hon. Friend has done here what he and his friends have done in other Amendments. He has picked out a single imaginary, though not conceivable folly and iniquity, into which he says the Irish Legislature might fall, and, in order to meet it, has drawn up an Amendment in terms ludicrously and recklessly wide. My hon. Friend says that the actions of the officials of the Government are to be dealt with as the actions of any other citizens are dealt with. Is he aware that there is at this moment before Parliament a Bill for the consolidation of the laws protecting Public Authorities? That Bill consolidates hundreds of Acts which give to public officials a certain priority and protection, and absolve them from laws which affect ordinary citizens. My hon. Friend does not desire to prevent the Irish Legislature making laws of the kind now before Parliament. Why, then, does he use words which would shut out legislation of that kind? We entirely object to the Amendment, and regret that so much time has been occupied by it.

Mr. J. CHAMBERLAIN (Birmingham, W.): Without complaining of the argument with which the Chief Secretary has met that of my hon. Friend, I would venture to point out to him that it was quite unnecessary that he should have introduced into that argument the acrimonious attack he made on my hon. Friend. He has singled out my hon. Friend's speech as a special illustration of a type of opposition to which he objects. He says my hon. Friend speaks with unnecessary length. I will make two remarks on that. The first is that the longest speeches made upon any Amendment on this Bill have been made from the Treasury Bench, whilst the speeches of the Opposition in support of that Amendment have been extremely short, and gone closely and directly to the question before the Committee. I do not, therefore, think it lies in the mouth of my right hon. Friend to make such an attack upon my hon. Friend. It is quite true that we do not agree with the Government as to the time that ought to be occupied in the consideration of Amendments. Thirty minutes, out of

which 20 minutes were occupied by the speech of the Prime Minister, were considered enough to deal with the interests of the Freemasons.

MR. W. E. GLADSTONE: My right hon. Friend has entirely mistaken the time.

MR. J. CHAMBERLAIN: The total time occupied by the Debate on the Freemasons last night was 39 minutes. I cannot say what was the exact time occupied by my right hon. Friend, but it was about 20 minutes.

MR. W. E. GLADSTONE: No.

MR. J. CHAMBERLAIN: Well, I expect my watch does not keep the same time as that of my right hon. Friend. The particular illustration, however, is really of very slight consequence. It cannot be denied that on the matter to which we are referring the Government took themselves a large portion of the short time which they considered sufficient for dealing with a subject that interests, as they will discover, an enormous number of the voters of this country. I come to the arguments of the Chief Secretary in reference to the Amendment. He asks why we should assume that the Irish Parliament will establish anything in the nature of a *droit administratif*? I venture to say that it is the duty of this Committee and of the Government to protect Ireland against serious mistakes of that kind on the part of the Irish Parliament. The Chief Secretary admits that it would be a great mistake, and that it would be thoroughly wrong to establish anything in the nature of a *droit administratif*; and, that being so, why not prevent it in the Bill? How is it possible that the Chief Secretary can be prepared to answer not only for the Irish Legislature of to-day, but for the Irish Legislature in perpetuity? Will he say that the Irish Legislature will under no circumstances do foolish or wrong things? If so, that will be an argument against taking any precautions whatever. But the Government have themselves introduced certain precautionary provisions. We have not had a single point raised yet as to which the Government have not said that they do not believe the Irish Parliament would do so foolish and wrong a thing. What is the ground for the confidence of the Chief Secretary in this matter? It is, apparently, that we have alleged that the Irish Legislature

will be anarchical, and he thinks it contrary to the experience of Anarchical Bodies that they should establish a *droit administratif*. I would refer him to his own writings about the French Revolution. The Government of Robespierre and his friends was revolutionary enough, and yet never was the *droit administratif* more strongly insisted upon than by them. In those days the officials were the only persons who could not do wrong. The other objection which the Chief Secretary takes to the Amendment is that it is too wide, and he seemed to think that the Opposition deliberately made all their Amendments altogether too wide for their purpose. That may be the case, and I am not particularly concerned to justify the Opposition in such a respect. But why do the Government make it a crime against the Opposition that our drafting is not as good as theirs? The Government have all the greatest talent at their disposal in the matter of drafting, and yet even they fall into very considerable mistakes. They managed to draft Sub-section 6, for instance, so that, as they themselves admit, it is a mass of confusion, and is so ungrammatical that it will have to be re-drawn upon Report. Why, then, should they be so hard upon us? In all former cases, when the Government have agreed with the object of Amendments, but the Amendment is badly drawn, the Government have undertaken, with the assistance of their draftsman, to correct the wording. If the Government think this Amendment goes too far, they have only to suggest to us what changes should be made, and, provided such changes meet our object, we shall accept them. I do not think it necessary or desirable that a Debate on a point of this kind should be carried on at any great length. I would only point out, in conclusion, that the Amendment seeks to prevent what it is admitted it would be wrong to do, and yet the Government will put nothing in its place.

VISCOUNT CRANBORNE (Rochester) said, he did not think the Chief Secretary realised the importance of the Amendment. Its importance consisted in the fact that, even with the best intentions, the Irish Legislature was certain to pass a great many laws which would transgress the exceptions laid down in the Bill.

What the Opposition feared was that the officials of the Government would be placed in such a position as to save them from the evil result of their action, or to deprive any party aggrieved by such action of his proper remedy. It was a most amazing thing that this point had not occurred to the Government. They had removed many things from the cognisance of the Irish Legislature, but they had not removed what was, perhaps, the most important of all—namely, the Courts that must protect aggrieved parties. The Irish Legislature would have the power in its hands of altering the law under which the legal tribunals in Ireland would administer justice in such a way as to prevent them giving a remedy even under the excepted cases in Clauses 3 and 4 of the Bill. For instance, he submitted that the Irish Legislature would be able to pass an Act which would relieve Executive officers acting in the *bonâ fide* execution of their duty from liability to be fined for any mistake they made or wrong they did. It would also be perfectly possible for the Irish Legislature to change the whole Law of Contempt of Court, so as to deprive the Exchequer Judges of the power of enforcing their decisions by imprisonment for contempt of Court. It might also take cases of grievances arising out of illegal action on its part out of the purview of the Magistrates, and insist upon such cases being tried before the High Court. This would, of course, amount to a denial of justice to poor persons. He thought it a most extraordinary thing that, whilst the Government excepted certain subjects from the jurisdiction of the Irish Parliament, they did not also remove from their power the remedies to which aggrieved parties might resort in case the law was broken.

Question put.

The Committee divided:—Ayes 230 ; Noes 272.—(Division List, No. 168.)

MR. BARTLEY (Islington, N.) said, the next Amendment stood in his name. It was:—Page 3, line 1, leave out “(7).” The sub-section dealt with the deprivation of equal rights respecting sea fisheries. He believed the Government were willing to accept the Amendment. The sub-section was a limiting one, and he thought it should be omitted.

Amendment proposed, in page 3, line 1, to leave out "(7.)"—(*Mr. Bartley.*)

Question proposed, "That '(7)' stand part of the Clause."

MR. GOSCHEN asked what words the Government proposed to cover the various branches? It might be well to omit this sub-section, but it was but right they should understand the attitude of the Government.

MR. J. MORLEY said, they proposed to insert the words "or of business," and they would bring the amended form up on the Report stage.

MR. HANBURY (Preston) said, this was a case of resident or non-resident, and it seemed to him that the Government did not propose to give "equal rights" to "any inhabitant of the United Kingdom." He thought the Amendment introduced should enable them to discriminate in the case of a landlord owning property in Ireland but living in England.

MR. J. MORLEY was understood to say that the Government would make ample provision for safeguarding all rights.

MR. J. CHAMBERLAIN: Do I understand that the Government are willing to introduce the words "or business"?

MR. J. MORLEY: Yes.

MR. J. CHAMBERLAIN said, in that case he should advise the withdrawal of the Amendment. The concession of the Government went much further than he had hoped for, and they were entitled to acknowledge the manner in which they had been met.

MR. SEXTON (Kerry, N) said, they were quite well able by this time to appreciate the amiable motives of the right hon. Gentleman the Member for West Birmingham in the overstrained praise which he bestowed on the concession of the Government. They were not able, however, to appreciate the force of the contention which had been advanced, and they reserved to themselves the right to deal with the ultimate form of words.

MR. J. MORLEY said, the words would be "place of birth or business."

\*MR. GIBSON BOWLES (Lynn Regis) said, the "business" of fishermen was in the great waters. The right hon. Gentleman (Mr. Morley) seemed to be under the impression that fish coming into Ireland from Scotland were articles

of Scotch manufacture imported by way of trade, and could be defined in the Bill under "trade"; but that was not so. Scotch and other fishermen might catch fish in the sea, and Irish fishermen might object to the competition, and might place them under some disability when they came in to land their "catches." Was the fisherman's place of business to be considered the place where he went in to deliver the fish?

MR. J. CHAMBERLAIN said, it was undesirable there should be any misunderstanding. When the Chief Secretary spoke first he used the words "or business," and the restriction would then have read:—"On account of place of birth, parentage, or business." On his speaking a second time, he understood his right hon. Friend to speak simply of "place of business." He thought they should hear from the Government what the words really were to be.

MR. J. MORLEY said, the words would be "place of birth or business."

MR. GOSCHEN said, that was not a safe meaning. He hoped his right hon. Friend, upon whose good faith they wished to rely, would give an undertaking that the object of the sub-section would be carried out as clearly as possible.

MR. J. MORLEY said, he was willing to do that.

MR. GOSCHEN said, in that case the Amendment might be withdrawn.

MR. SEXTON said, they should know exactly what words were to be added.

MR. GOSCHEN said, the Government were willing to introduce words which would carry out the meaning of the sub-section.

MR. J. MORLEY said, the Government would do what it was intended should be done when the sub-section was introduced into the Bill.

MR. SEXTON: So far as concerns sea fisheries?

MR. J. MORLEY: Yes.

MR. COURTNEY (Cornwall, Bodmin) said, he was of opinion that they should allow the words to stand until the next stage. He was at one with the Member for North Kerry in saying that they did not know what the effect of the new words would be, and, if they accepted his suggestion, they could at the proper time introduce words to give effect to their object.

MR. BARTLEY said, his point was that the sub-section should be so wide as to include not only fisheries, but all trades. This sub-section limited the restrictions in the Bill. They were assured by the Government that they wished to prevent any undue preference being given, and he wanted the words to be as wide as possible. He hoped the words the Government would insert would render undue preference an impossibility.

MR. HENEAGE (Great Grimsby) said, he would suggest "place of abode" instead of "place of business." The Division called last night had placed hon. Members in a difficulty; but he thought if the Chief Secretary would go a step further he would carry out his object.

MR. J. MORLEY said, he had already explained what the Government were willing to do. He could only say that the word "abode" would be clearly out of place.

MR. GOSCHEN: Place of business would apply generally?

MR. J. MORLEY: Yes.

Question put, and negatived.

\*THE CHAIRMAN: The decision of the Committee disposed of several of the Amendments which stand next on the Paper. The Amendments standing in the names of the hon. Member for York and the hon. Member for Wandsworth are out of Order.

MR. KIMBER (Wandsworth) said, in reference to his Amendment which proposed to prohibit the Irish Legislature "altering its own constitution," he wished to explain—

MR. SEXTON (Kerry, N.): I rise to Order. I wish to know is it in Order for a Member to interrupt the ruling of the Chair by making a speech?

MR. KIMBER: I do not wish to interrupt the ruling of the Chair. I abide by the ruling; but I think it competent for an hon. Member to ask for an explanation why his Amendment has been ruled out of Order.

MR. J. CHAMBERLAIN: I beg to ask you, Mr. Mellor, whether you have not already ruled that it is perfectly in Order to ask the Chair to be kind enough to tell the reason for its ruling?

\*THE CHAIRMAN: I have already said that I am prepared to answer such a question, so long as there is no in-

tention to dispute my ruling or to raise an argument. With regard to this particular Amendment, I have to say that, as the Irish Parliament will derive its existence from this Bill, it will be incapable of altering it when it becomes an Act. The Amendment proposes to prevent the Irish Legislature doing what it cannot possibly do, and is, therefore, out of Order. The next Amendment in Order stands in the name of the noble Lord the Member for Rochester.

VISCOUNT CRANBORNE (Rochester) rose to move—

In page 3, line 2, at end, add, "(8) Affecting the remedies of any person aggrieved by anything done or omitted to be done in pursuance of any Law made in contravention of this section."

He submitted that the common-sense reading of Clause 9, which related to the Exchequer Judges, was that the power and jurisdiction of the Judges were to a large extent left subjected to the Irish Parliament. But he did not confine the meaning of his Amendment to the Exchequer Judges. The Committee should recollect that every Court of Justice in Ireland, from the highest to the lowest, would be called upon to decide whether any particular law passed by the Irish Legislature was *ultra vires* or not. Therefore, any subject of the Queen who felt aggrieved might be obliged to bring an action, in the first instance, before the Magistrates' Court, and if the procedure and power of that Court were controlled by the Irish Legislature, it would be possible for the Irish Legislature to alter that power and procedure and thereby render the safeguards in Clauses 3 and 4 nugatory. He begged to move his Amendment.

Amendment proposed,

In page 3, line 2, at end, add "(8) Affecting the remedies of any person aggrieved by anything done or omitted to be done in pursuance of any Law made in contravention of this section."—(Viscount Cranborne.)

Question proposed, "That those words be there inserted."

THE SOLICITOR GENERAL (Sir J. RIGBY, Forfar): We do not think that the result apprehended by the noble Lord is likely to arise. Clause 19 establishes the Exchequer Judges as the Judges who will have to decide matters outside the jurisdiction of the Irish



Legislature. I do not say these are the words, but that is clearly the result—

VISCOUNT CRANBORNE: Why not use the words?

SIR J. RIGBY: Because we have drafted the clause far better. Why should we alter every section to please the fancy of those who do not give us much assistance? I say that the Exchequer Judges are the persons who will have to decide those points, and, therefore, this Amendment is unnecessary. There can be no doubt that the suggestion made by the noble Lord has been made without sufficient consideration.

Question put, and negatived.

THE CHAIRMAN: All the other Amendments to the clause on the Paper are out of Order. The Question I have to put now is "That Clause 4, as amended, stand part of the Bill."

MR. A. J. BALFOUR (Manchester, E.): It may be in the recollection of the Committee that when we were discussing certain rather important matters connected with Trinity College and higher education in Ireland, I put certain questions to the Prime Minister, and the right hon. Gentleman pointed out that these questions would be more appropriately put when the Question that the Clause stand part of the Bill was put from the Chair. In conformity with the wishes of the Prime Minister I adjourned these questions to the present stage of the clause. But before I put these questions let me, without at all going into the subjects we have already decided on this clause, point out that our decisions cannot really be said to have left the clause in a very satisfactory condition. We have been discussing the clause now for some days, and yet I find that the Government have postponed from this stage to the Report stage all kinds of questions of importance connected with the drafting of the clause, and some questions substantially connected with the clause. So far from the labours of the Committee leaving the clause in its final shape, I find, on looking to Sub-section 3, that the Government admit that the word "diverting," with which that sub-section is opened, will have to be altered. The Chief Secretary told us the Government would be able to

provide a more satisfactory word, but evidently that word has not yet been found, notwithstanding the great talents that are being devoted to its discovery. It is also admitted by the Government that Sub-section 6 as it stands, whatever definite meaning it may have, is not the meaning the Government desire to attach to it; and again, notwithstanding the long time the sub-section has been under discussion, the Government have failed to find words to express their own meaning. Again, I find that the Government expressed their intention early in the discussions on the clause to find words which would prevent anything in the nature of undue preference being shown by the Irish Legislature on any matter that might arise; but though words were thrown out tentatively yesterday, and again tentatively amended to-day, they do not seem to carry out the object which the Prime Minister had in view. Therefore, despite all the labour we have devoted to this clause, it still remains in the condition merely of a noble ruin, or perhaps I should say an incomplete edifice, and we do not yet know by what steps, in what manner, and by what method its final shape will be given to the clause. I have had a great deal of experience in dealing with Amendments to Bills, and I cannot recollect any Government or any Ministers in charge of a Bill who would have been let off so easily if it had ventured to adopt the course which the Government have adopted on the present occasion. But I pass from that to the questions which I propose to put to the Prime Minister. Let me first remind the Committee that on Sub-section 2 and Sub-section 3 a controversy was raised as to the power of the Irish Legislature with regard to the Training Colleges in Ireland. It was pointed out to the Committee that two of the existing Training Colleges were strictly Denominational Institutions. It was further pointed out to the Committee that these Institutions are supported by public moneys; that these public moneys are annually voted by an Appropriation Bill, and that, therefore, there will have to be an annual legislative measure passed by the Irish Parliament if these Denominational Institutions are to continue. I put it to the Government whether they think or do not think that Sub-sections 2 and 3 would permit the

Irish Legislature to vote and appropriate money for the support of those Institutions. It is quite true that the Prime Minister did say that, in his opinion, it would be competent for the Irish Legislature to continue to support these Colleges in the future as we have done in the past. But the matter was not argued at length, and no question was asked as to the bearing of that decision upon the maintenance and support of Denominational Institutions as set out in the sub-sections. The next act of the drama, if I may use the expression, arose on the subject of Trinity College and the establishment of a Catholic University in Ireland. When the fate and fortunes of Trinity College were under discussion the Irish Members pointed out with considerable force that they considered they had a right to an Institution for the higher education which should be under the control of the Catholic clergy, and they did not think it would be necessary, in order to obtain that object, that Trinity College should be despoiled. They argued that it was not necessary, in order to establish a University or College under Catholic control, to despoil Trinity College. Of course, their contention is that they can obtain that object by voting money for the establishment of such an Institution under the powers given by this Bill. Thereupon, I asked the Government whether, in their view, it would be in the competency of the Irish Legislature under this clause to establish a Catholic College or Catholic University, and that was the specific question which the Prime Minister desired me to postpone to this stage of the clause. But a further question arises. If the right hon. Gentleman is going to answer this question in the affirmative, as he has already answered the question about the Catholic Training Colleges, I wish to ask him further whether he thinks this clause does or does not prevent the establishment by the Irish Legislature out of public funds of primary schools all over the country of a strictly denominational character? I am quite certain that the effect of the whole clause taken together is practically to prevent any change in the existing undenominational system of education in Ireland—seeing that public funds are obtained by taxation from Catholics and Protestants alike—in the

direction of establishing Catholic places of education throughout the country. Speaking for myself personally, I desire to give the Irish Legislature the power of supporting the Denominational Training Colleges. Speaking again solely for myself, I should hesitate greatly before forbidding the establishment of a Catholic College; but I could not approve of the general system of education—primary and secondary—supported as it is out of public funds—to be placed on a denominational basis. It is true to say that in a great many of the primary schools there is a system in vogue not very easily distinct from a denominational system protected by a Conscience Clause; but it is not true to say that the system in Ireland generally is a denominational system. We want, therefore, to know whether the existing system is protected by the clause as it stands?

MR. W. E. GLADSTONE: I am anxious to meet the right hon. Gentleman, who at my request, or at all events in conformity with the regular rule of business, postponed his questions on this subject until the present stage. In the little I have to say I shall not be argumentative, but simply explanatory. It would be of little value to be argumentative, because we have passed the point when we could amend the clause or discuss Amendments to the clause. I shall, therefore, simply meet what I think is the question put to the Government—namely, as to their view of the effect of the present provisions in the clause with regard to the system of undenominational education in Ireland, embracing the primary schools and reaching up as far, at any rate, as the College. With regard to the University, I do not pretend to say anything, because there are so many ways in which the question might be brought forward that I would require to see the particular form before I could possibly venture to give an opinion on the subject. The restraining provisions on the Irish Legislature in this important matter are two in number. First, there is the provision preventing them from endowing a religion; and, secondly, there is the provision aiming at undue preference in religious matters. It is in the light of these two provisions that I consider the questions which have been put to me by the right hon. Gentleman.

As regards the present undenominational schools in Ireland and the Training Colleges, we accept in full the incompatibility of denominational schools in Ireland, and, of course, all future denominational schools, if such should be founded with the provisions of this clause; but we excepted the Training Colleges, though they are strictly of a denominational character, just as in England under our undenominational system, protected by a Conscience Clause, we have Training Colleges which, though they receive support from the State on liberal terms, are of a denominational character, and so much so that if they were set up as independent Institutions, and not purely ministerial to the schools, it would be a question whether they did not come within the meaning of undue preference. Then we are asked to consider the provisions of the clause with respect to Colleges or higher education. It is quite clear that to establish a religious endowment, or anything that is liable to the charge of undue preference, as described by the Bill, cannot be done by the Irish Legislature; but I am not prepared to say on that account that a College establishment of a denominational character, bound by certain conditions, is excluded by the Bill. On the contrary, it would be consistent with what we have done—perhaps it is required in consistence with what we have done with regard to denominational schools—that we should hold this ground: that the Irish Legislature should not be precluded from founding any Denominational College which shall put no compulsion on those outside the denomination in respect to instruction or worship, and which shall elect to its professorships and other appointments, supported by public endowment, irrespective of creed, except such as in their nature are associated with denominational duties. So far as I can judge, that would be in clear analogy with respect to the undenominational schools, and it would, in a sense, correspond with the arrangements of Trinity College which undoubtedly as it stands, however free and open to Roman Catholics it may be by Statute, is, for certain purposes, and especially for the purposes of the Christian ministry, a great Protestant Training Institution. We are all of opinion that under the

conditions we have described the founding of such a College would be within the provisions of the Bill as it now stands.

MR. A. J. BALFOUR: The right hon. Gentleman has read us out the carefully-considered judgment of the interpretation which he and his friends are disposed to put upon the clause. Would it be asking too much of the Government to consider whether, when the subject comes on again on Report, they could not introduce formal words to put it beyond doubt in the clause itself that the interpretation the right hon. Gentleman puts on the clause is the interpretation which the Courts will put upon it? I think the distinctions the right hon. Gentleman has drawn are of a subtle character, and upon so important a question as this it is inexpedient to leave it to the Courts to go upon the narrow line which the right hon. Gentleman travels so easily; and I think the Courts would take a broader and probably a cruder view of this clause. The present system of primary education in Ireland is undenominational in this sense: that it belongs to a Board constituted by Protestants and Catholics, which absolutely manages the whole system; and though there is nothing in the regulations of that Board to prevent a clergyman or parish priest being a manager of a school, the system in Ireland is distinctly an undenominational system. I am anxious to know whether the right hon. Gentleman finds it would be impossible for the Irish Legislature to alter that system, and to carry out what hon. Gentlemen below the Gangway have never concealed their desire to carry out, and that is, to hand over the schools in which Catholic children attend entirely to Catholic authorities?

MR. SEXTON: That never was demanded. What was suggested was that where there was a school for different denominations in the same locality attended only by the children of one creed, that such schools might be treated as what they really actually were—namely, as denominational.

MR. A. J. BALFOUR: I was aware that that was the particular demand put forward by hon. Gentlemen below the Gangway, on the supposition that the present Board of Education was to go on as it is, and the present system of administra-

tion was to last. But what I want to know is, is it to be in their power to modify from top to bottom the whole system of primary education in Ireland in a denominational sense? I am convinced that if the Government answer in the affirmative, they will be raising a hornets' nest in this country and in Ireland, and they do not know what they are doing. There is a large section of the people attached to the present system; vast bodies in this country of Nonconformists and others, who certainly would not look, without the gravest suspicion and the greatest fear, on any proposal for allowing this question to come under the influence of hon. Gentlemen below the Gangway; and these people, both in Ireland and England, are under the impression at present that their views are carried out and their interests protected in this clause. I understand, however, that the Government do not take that view, and their contention, hitherto unexpressed—up to this date quite unexpressed—is that the Irish Legislature should be handed over, without any other control than that requiring the imposition of a Conscience Clause, the whole machinery of primary education, from top to bottom, in Ulster as well as the rest of Ireland.

MR. W. E. GLADSTONE: We have never stated that primary education is to be handed over unconditionally, except under the protection of a Conscience Clause. In point of fact, the Government have followed the guidance of the discussion which took place in the House the other day. The right hon. Gentleman says that the system of Irish education is undenominational. In my opinion, it is practically pervaded by a strong denominational taint. If the right hon. Gentleman asks me whether it would be in the power of the Irish Legislature to carry the denominational principle to whatever length they please, I should say it appears to me humbly, and speaking perhaps hastily, upon my own view of the clause, that if they did so they would certainly come into conflict, if not with the provision as to the endowment of religion, certainly with the provision as to undue preference.

MR. A. J. BALFOUR: There would be no preference in that case.

MR. W. E. GLADSTONE: I think there would be. With regard to the

Education Board in Ireland, I am aware of no feeling hostile to the existence of that Board or of any intention to disturb it.

MR. J. CHAMBERLAIN: Two questions arise from the very important statement of the Prime Minister. The first is, as to whether the interpretation the Government place upon the Bill is the correct interpretation?

MR. W. E. GLADSTONE (interposing): Allow me to interpose just for one moment. I ought to have said, in answer to the appeal of the right hon. Gentleman, that, of course, I give no pledge on this matter, and I am not convinced that further precision and further definition is required in the clause. Of course, we ought not to leave this matter in a state of uncertainty, and it is a very fair question for consideration whether the intention of the Legislature did or did not require to be made more distinct and clear.

MR. J. CHAMBERLAIN: The first question is, whether the interpretation the Government put upon the Bill is the correct interpretation, and one that would be likely to be upheld if ever questioned in the Courts? and the second point is, whether the interpretation which the Government now put upon their Bill is in accord with the feeling, the sentiment, and the intention of the majority of the Committee and of the majority of the country. I gather this is the interpretation of the Government: they consider that primary education in Ireland is at the present time denominational, and they consider there is nothing in the Bill to prevent it from being denominational, at all events to the extent to which it is at present, and they think that, in regard to secondary education and the highest education—University education—both these will be controlled by reference to the state of things with regard to denominational education—that is to say, governed by what the Government believe with regard to primary education; and they therefore hold that, provided in principle a Denominational College does not go further in regard to denominationalism than primary education at present, the Irish Legislature under the Bill will be permitted to regard Training Colleges as ancillary to and connected with denominationally-provided schools and will have power to provide such Colleges.

Is that the case? The Government, in accordance with that view, holds that the Irish Legislature might found and endow at the public expense—that is to say, at the expense very largely of Protestants, who, although not the most numerous proportion of the population, are at all events the largest taxpayers—a Roman Catholic College, provided conditions were laid down, including a Conscience Clause, which would preclude the idea of compulsion in regard to education in that College. I suppose, in effect, if it gave a Conscience Clause so that anyone might stay away from any particular class or instruction, and, secondly, that it did not make specially favourable regulations with regard to the employment of teachers. I need scarcely say that neither of these conditions could be regarded as of the slightest conceivable value as safeguards. Without making a single regulation in respect to the creed of the teachers to be employed, it is perfectly certain that a Roman Catholic University, governed by a Roman Catholic administration, would of course only employ Roman Catholic teachers. Therefore, if the view of the Government is correct, the Irish Legislature will have the power of founding a purely Denominational Roman Catholic College at the public expense. My first question is, is that interpretation correct? In the interests of the Irish themselves it ought to be made perfectly clear whether they are or are not to have this power. I should have thought that the words which prevent the Irish Legislature from establishing or endowing religion, whether directly or indirectly, would absolutely preclude such a state of things. To say that a Roman Catholic University or College founded in Dublin is not an indirect endowment of religion seems to me to be ignorant of the meaning of the words; therefore, I should say it is a most doubtful point whether the Government interpretation put upon their own view would be upheld in the Courts. I assume the Government will take care to make that clear. We know what their intention is. Their intention is, in the first place, that the Irish Legislature shall have practically full power over the primary system. That is a course which goes against the views of almost everyone who has written or spoken on

this subject—against the views, strongly expressed, of all Nonconformist Bodies in England and Scotland, because they (the Government) say that the present system is a purely denominational system; therefore, they will put no restrictions upon the Irish Legislature to prevent it making it more denominational. They can alter the whole administration of this denominational system, whereby every safeguard at present given to secure the unsectarian character of the schools will be taken away. That is the intention of the Government; that is the interpretation of their view. When we come to Training Colleges, absolutely no interference with the Irish Legislature is to be allowed; and not only are the existing Colleges to be supported, but the Irish Legislature are to have a free hand to establish as many more Denominational Training Colleges as it pleases, because this is ancillary to primary education. When they have done all this, and when they have made the primary system thoroughly denominational, and handed it entirely over to the control of the Roman Catholic hierarchy, and established as many Training Colleges as they please, they may then go on and make a Roman Catholic University and College, provided only that the Roman Catholics consent that they will not have printed regulations ordaining the creed of the persons whom they will select as instructors in the University. I say, the country was not prepared for that. This is a most important change. It shows the necessity of having this great Bill discussed in the country. We have been for more than 20 days upon this Bill, and it is only now, at the end of the 4th clause, that we learn from the Government that they intend to give to the Irish Legislature the power of reversing the legislation which has hitherto prevailed on the subject of sectarian education. When the Bill of 1870 was brought forward, one of the strongest points which I and others urged was that, by the measure the Government were proposing for this country, they were likely to undermine the unsectarian character of the Irish educational system. I do not hesitate to say that at that time you would not have found throughout the whole of England a Nonconformist who was not

*Mr. J. Chamberlain*

prepared to go any length to maintain in its entirety the existing educational system in Ireland. I am not prepared to say what the Nonconformist conscience is now; but this I will say, that there must have been many Nonconformists who voted for Government candidates at the late Election who would not have done so had they known that the unsectarian system of education in Ireland is to be revolutionised under this Bill.

MR. PLUNKET (Dublin University): I do not intend to press further the argument just addressed to the Committee by the right hon. Member for West Birmingham. It appeared to me his argument was conclusive, and showed that whatever might be the pretences of this section or of any other part of the Bill, there is really no substantial restriction whatever upon the power of the Irish Legislature, which it is proposed to create, to deal as they may please at any future time with the rules and principles which have hitherto controlled, and are still supposed to control, the educational system as at present established in Ireland. I desire to say a word upon another point of view. This clause has been held out to us from the first introduction of the Bill up to the present time as that part of the measure which would give ample protection to the minority in Ireland. There is not a particle of substantial protection in the clause. There is nothing whatever to allay the just apprehensions we feel as to what may be our fate under such a Legislature if it were ever established. Attempts have been made to create a feeling that something was really being done for the protection of the minority by importing certain clauses from the American Constitution. These clauses have been proved to be utterly inappropriate to the situation to which they were to be applied, and utterly valueless as any protection whatever. There is, for instance, "due process of law," that *enfant terrible* of the Bill which, wherever it occurs, creates the greatest confusion, and upsets all the other arrangement of the drafting of this clause. It is utterly valueless as applied to the system of a country where it really has come, in the truest sense, in a foreign garb, and is wholly unintelligible. Whenever we did ask for a clause from the American Constitution which might have afforded some

real protection, we were flatly refused it. We desired that the Petition of Right should be preserved; that the writ of habeas corpus should be preserved, and that other protections, which were introduced into the American Constitution to control the action of State Legislatures—where such protection was much less needed than it would be in Ireland—should be introduced into this Bill, and in every case our request has been flatly refused. The matters borrowed from the American Constitution are nugatory so far as the protection of the minority in Ireland is concerned, and those which would have some protection have been refused to us. That is, I think, a most unsatisfactory state of things, especially as regards the Institution which I personally am here most directly to represent. We have been refused the adoption of an Amendment which would have given some protection to Trinity College and to the Dublin University, and we were given in exchange only a sub-section which was unintelligible enough when first put upon the Paper, but which has been rendered more unintelligible by the alterations made in it. The words "due process of law" will produce an opposite effect to what was intended by those who framed the Bill, and that is the only protection left to us in the circumstances of danger and difficulty which are admitted by the introduction of the clause into the Bill at all. But it is not only the Dublin University and all the other great Chartered Corporations which are left in this condition of abject terror and danger. There is another matter to which I should like to refer. Yesterday evening an Amendment was brought before the Committee framed for the purpose of protecting perfectly lawful Societies. I will not go into the question of what other Societies would have been protected by that Amendment if it had been introduced, but I do say the way in which the great Society of Freemasons in Ireland has been dealt with is simply scandalous. A clause intended for their protection was introduced in a speech, I think, of great ability and great force. What was the answer given by the Prime Minister? Nothing but a sneer at the Institution which he said himself he had never thought it worth his while to inquire into the character of, and knew and cared nothing about; and, therefore, he would refuse

protection to it against the efforts and influence of those who have again and again denounced it, and, so far as their language conveys any meaning, have uttered most determined threats against its existence. I can tell the Prime Minister this: there are many people in Ireland and England who will be offended and insulted by the way he deals with that great Institution; but every man who does know it—for I had the great honour once of holding high office in that Order—and knows what it is feels the deepest sympathy and greatest respect for it as a Charitable Institution doing a great and good work for orphans and disabled old people, administering large funds in Ireland, and having no enemies in that country except those who might have been made so by that unfortunate opposition which in modern times had been raised against it by the heads of the Roman Catholic Church. That Institution in Ireland is part of the great Institution of Freemasonry in this country presided over by the Heir to the Throne. It is an Institution in which the deepest interest is felt by thousands and tens of thousands in Ireland, and by greater numbers in England, the United States, and all over the world who sympathise and honour a Society for which the Prime Minister yesterday could find nothing but words of obloquy and contempt. ["No, no!"] In answer to a request modestly put forward, the Prime Minister spoke of it as an Institution of which he knew nothing, and about which he cared nothing. ["No, no!"] I can assure those who say "No, no!" that the words of the Prime Minister have produced the greatest possible feeling of irritation and disappointment. However, I do not wish to pursue the subject further. As to this Clause 4, which is offered to the minority in Ireland as a fulfilment of many pledges, not only to them, but to the electors throughout the Three Kingdoms, every so-called protection put into the clause is introduced in such a way as to be wholly worthless, and every protection asked for by those who best know what they have to fear has been ignominiously rejected.

MR. ROBERT WALLACE (Edinburgh, E.) said, he had put down an Amendment to each sub-section of the clause, as well as a collective Amend-

ment to the whole, for the purpose of rejecting each and all of them; but he thought it right to spare the time of the Committee by only moving the rejection of the whole clause. He regarded this clause as anti-Home Rule in its spirit and character. As it stood until an hour ago he read it as a declaration that, while Home Rule was equal to every other political problem that might be presented to it, it curiously and inexplicably broke down in face of the problems raised by the heterogeneous quartette of religion, American extracts, Corporations, and fish. One of these had been withdrawn, and to that extent the character of the clause was less singular; but the spirit of it had in no way been changed or improved by that alteration. The policy of the Bill was most properly to give to Ireland the freest possible hand in the exercise of her own self-government, on the ground that the honour and interests of a self-governing people are perfectly safe, and, indeed, most secure in their own hands; but the policy of the clause was in the teeth of that description. Its policy was, to his mind, one of distrust of the Irish people, and to tie their hands. The Committee had intrusted already to the Irish people far greater powers than those which were restricted by this clause, and had refused to protect the Irish Legislature from temptations far more powerful than any from which they would be protected by this clause. A Catholic people who could be trusted with Divorce and Marriage Laws and a people, whether Catholic or not, who could be trusted with the whole Criminal Law, were qualified to be trusted with any problem or any social question, civil or religious. He might be asked whether he was to allow the Irish people to be absolutely free in their self-government. He would say that he believed far greater evils would arise, and perhaps in the not distant future, out of the restrictions in this clause, than would have arisen from giving the Irish people complete freedom. If he were asked whether he would allow Ireland to begin at once in the possession of her full freedom, or whether she must not be compelled to creep before she walked, he wanted to know why should Ireland be dealt with as a baby nation—put in legislative leading strings and administrative bib and tucker? It might be said it was necessary to conciliate opposition,

*Mr. Plunket*

possibly on both sides of the House. With respect to conciliating hon. and right hon. Gentlemen opposite, he had carefully observed their proceedings during the discussion of the clause in Committee, and he was of opinion that nothing would reconcile them. And he was not surprised at it, because they were debating the Radical distinction between the two Parties—between the Party whose watchword was “Trust in the people” and the Party whose watchword was “Distrust in the people.” It was impossible that there could be any reconciliation between Parties with these respective watchwords when any question arose that brought them to close quarters. Even if there had been a desire to conciliate the Opposition, he wished to know why the Government had systematically refused things for which they had expressed the strongest desire, and put upon them things for which they had expressed no desire whatever. He had not seen the conciliatory temper advancing as the discussion proceeded on the other side of the House. He had watched with a great amount of ethical interest the development of virtues in the public characters of the right hon. Gentleman the Leader of the Opposition and of the right hon. Gentleman the Member for West Birmingham as these controversies proceeded, and he had not noticed that sweet reasonableness was the virtue that made the most rapid progress in the course of that development. Was the action of the Government intended to conciliate the weak brethren on their own side? He had never thought it was a wise policy to trouble much about weak brethren; but he refused to believe in the existence of many weak brethren on that (the Liberal) side. The weak brethren were getting very much stronger, especially in the power of digestion. They were tired of the prolonged character of the discussions and of their evil effect in preventing the House from dealing with questions of political, industrial, and social reform, and were getting more and more ready to swallow almost anything—a most dangerous and fatal disposition—that was put before them in the shape of Home Rule that would pass in any way in order that they might get to these problems. He wished to refer to the religious sub-sections of the Bill, and he

wanted to ask with respect to them, What was the principle upon which these provisions rested, if it was not that Ireland was not fit to be trusted with the control of the State relations to religion? He denied that with respect not only to Ireland, but to every self-governing people. For his own part, he was an uncompromising advocate of the principle of religious equality and an opponent of every form of religious disability; and if he were asked his opinion of the merits of the sub-sections considered merely by themselves, he approved of them, so far as they went, most cordially. But he was equally attached to another great Liberal principle—a principle which was paramount to the principle of religious equality, and, indeed, paramount to all other Liberal principles—he meant the doctrine that a self-governing people ought to be allowed to govern themselves exactly as they pleased. If such people asked him he should advise them to have nothing to do with any religious endowment with religious disability, or educational sectarianism; still, if they refused to take his advice, whilst he should be sorry to think they had made a mistake, he should have no right to interfere; it was the community's own business, and it was for them to say what they were to do with their own resources and to order their own arrangements. He should like to ask his Scotch Home Rule friends a question on this matter. He was not at the present moment an aggressive Home Ruler. He had not received quite enough provocation even yet. The cup of Governmental iniquity was not yet quite full. He was a contingent Scotch Home Ruler, contingent upon the ultimate deliverance of the Scotch people—by no means yet authoritatively declared—as to the whether, and what, or when, of any Home Rule they might desire. He knew there were other friends of his who had gone further ahead. They had gone, it seemed to him, in front of the people; and in a spirit of what he ventured to call anti-democratic self-will they were calling out for Home Rule legislation for Scotland precisely upon the footing of the Home Rule legislation for Ireland. He wanted to ask them how they would like this clause, and how they could consistently press upon the Irish people a clause of this description? Were they



prepared to see the control of religious questions and of ecclesiastical questions denied to the Scottish people? If not, why did they press upon Ireland a measure which deprived her of the absolute control of her religious relations? He might be told that the Irish people were willing to accept the clause. He was not sure that that was entirely the fact; but if it were, that was not enough for him. Home Rule had its duties as well as its rights; and if they took great pains and made certain sacrifices in that House to put Ireland in possession of Home Rule, the Irish people were bound to carry away with them every subject that was capable of being an obstruction or aggravation and an irritation in the Imperial Parliament. He wanted to ask what had been the policy of the Liberal Party in connection with these religious and ecclesiastical questions? Was it not that the Scotch ecclesiastical question was to be left to Scotland, the Welsh ecclesiastical question to Wales; and if the English ecclesiastical question had not been proposed to be left to the English people as yet, he presumed it was because the subject was not within the range of practical politics; and in the same spirit he asked ought not the religious and ecclesiastical questions of Ireland to be left entirely in the hands and the control of the Irish people themselves? They might tell him the Irish people did not want religious endowment and educational exclusivism. If that were so, what was the danger of leaving them in the formal control of a matter they were not going substantially to meddle with? He was not sure that the confidence in this matter rested on a sound foundation. He did not see why the Catholic Church should not in the course of time—although at the present moment she might not—desire something in the nature of religious endowment. Other Catholic countries called for and had State support for Churches and State support for educational exclusivism, and why should not Ireland, as its history proceeded, desire the same, more particularly as they were continuing to keep up in England, and possibly in Scotland also, an Established Church and a system of education which, though undenominational in name, was substantially sectarian in character? If such controversies as these were to be raised at

*Mr. Robert Wallace*

all, let them be raised in Ireland where they had a right to settle them. Do not let them be raised here where, after giving Home Rule to Ireland, they had a right to expect they should be delivered from the trouble of dealing with Irish problems. There would then be less chance of danger being done in Ireland, because the expenses would come out of the Irish pocket; whereas if they had to do with the matter in the Imperial Parliament, they would have to pay for it. Let him say a word on one other clause of the Bill. He referred to the 5th sub-section, which from its parentage he hoped he might not be considered irreverent if he said it might well be called the "Yankee-Doodle sub-section." They had heard a great deal about insulting Ireland and the Irish people. He took it upon him to say that if ever there was an insult offered to any people as betraying a want of confidence in them and suspecting them of deficiency in the most elementary principles and faculties of self-government this was exactly the clause. If language had any meaning, the only meaning that could be put upon the clause was that there was a probability (so strong that it required to be legislatively guarded against) that one of the first measures of the Irish Legislature would be to pass an Act for hanging, say, his hon. Friend the Member for South Tyrone without due process of law, and with nothing but due process of hemp, and that there might be continual appeals to the country on the question of the Plunket Decapitation Bill, or the Carson Cremation Bill, or the Johnston Chains and Slavery Bill. He could not understand how the clause came to be in the Bill. He supposed it might have been out of compliment to his right hon. Friend the Chancellor of the Duchy in recognition of the splendid success of the American Commonwealth—he meant, of course, the book, not the Republic. He would only say in this connection, "Oh that my right hon. Friend had not written the book!"—at all events, until after the Home Rule Bill was passed; for when an author had written a splendidly successful book, it was not in human nature for him not to desire that the world, or some part of it, should take a leaf or two out of it, to say nothing of the whole edition. He hoped that the responsible editor of the Bill, the Prime Minister,

would really send this clause back to the place whence it came, in the usual form—"Returned, with thanks, as unsuitable to our columns, which, besides, are pressed for space." As to the 6th and other sub-sections, he should only submit to the Committee whether it was not pertinent to ask that if such questions—even though they were petty in many of their characteristics and relations—were to be left here to be a source of possible interruption and irritation, where was the benefit to Great Britain to come from the passing of this Bill? They were told that "Ireland blocked the way," and that when Home Rule passed it would block the way no longer. That all depended on the completeness of the powers with which the Irish Legislature was endowed. But if the irritations arising from these questions were to be left here, then they should have Dublin resounding with Ireland, while Westminster would be simultaneously resounding with Ireland. In short, it would be, "Ireland; Ireland everywhere, and not a drop to Britain!" There was one other reason which weighed with him perhaps more gravely than any he had mentioned why he desired to see this clause, if possible, out of the Bill. He desired to remove every vestige of an excuse for the monstrous and dangerous proposition which he believed would be made by-and-bye, to retain the Irish Members in this House with full powers to deal with British questions after they had been gifted with a Legislature of their own for the transaction of their Irish affairs. That proposition was of a double character—it imported not only Home Rule for Ireland, but Irish Rule for Britain. He had been sorry to observe that certain Irish Members appeared to be clutching at these unjust and altogether intolerable powers, for the trumpery reason that certain Irish matters which they did not seem very unwilling to leave behind them were to be left in this Imperial Parliament. In that light the provision of this clause filled him with suspicion and foreboding. The way in which the matter stood—if he might be allowed the language of illustration—was this: "You and I have been keeping house together for a great many years, but you are leaving with all your belongings to go into a brand-new house—which, by the way, has been

to a large extent built by my exertions. There is an old sideboard and a poker which you do not find it convenient to take along with you at this moment, and which you desire me to give house-room for; but, no sooner have I consented, than on the strength of my good nature and the alleged necessity of looking after your articles of *vertu*, you insist that you must have the full run of the house—my house now by the hypothesis—with your latch-key, and your bedroom, and your four meals a day, and your hot and cold water, and all the modern conveniences as before, and exactly when you like." Now that was too much. He said: "Take away your effete sideboard, your duty poker; who wants your ridiculous chattels? Mind you your own house and let me mind mine." If his hon. Friends from Ireland insisted upon having some of their property left behind, then in that case he would say, "Leave it at your own risk. You must not quarter yourself on me on the pretence of looking after your things." No doubt the Irish Members would vote against the omission of the clause—that was to say, they insisted on leaving some of their property behind them; but in that case they left it at their own risk. He did not want their blessed things. Take them away, and if they would not, at all events take themselves away. Let them send for their things when they wanted them, and they might rely upon it that, so far as he was concerned, they should be sent by return of parcels post. These were the grounds on which he opposed the clause. His was the action not of an anti-Home Ruler, but of a thoroughgoing Home Ruler in favour of a more thoroughgoing form of Home Rule than that which the Government had placed before the Committee and the country, and on the strength of these reasons he had considered it right to make his protest in this way, and to move the omission of the clause.

Moved, "That the Clause be omitted."  
—(Mr. Robert Wallace.)

LORD R. CHURCHILL (Paddington, S.) said, the speech of the hon. Member who had just sat down was undoubtedly interesting, forcible, and witty; but he should like to ask the hon. Member what was the meaning of it? The hon. Member had favoured the House with

one or two of these speeches. Nevertheless, their outcome had been that the hon. Member had voted with the Government throughout the proceedings on this Bill. The votes of the hon. Member pointed in one direction and his speeches in another. The hon. Member had said that if he did not make the speech he had just delivered he might have been misunderstood; but the fact was, the hon. Member was the most misunderstood man in the House, because he never could bring himself to vote in accordance with the views he expressed in his speeches. The hon. Member had said that the Government ought to go much further in order to gratify the Irish people; but he now expressed such a want of confidence in the Irish Representatives that he wanted to get rid of them altogether. The hon. Member said that this clause placed no trust in the Irish people; that its restrictions would produce great irritation in Ireland, and would be useless for good but most effective for harm. The hon. Member said that the great difference between himself and his Party and the Unionists was that the former had adopted the principle of trusting the people. But now the hon. Member said that the Government had inserted this clause in the Bill because they could not trust the people.

MR. R. WALLACE said, that his contention was that the Government had not trusted the Irish people sufficiently.

LORD R. CHURCHILL said, he thought the argument of the hon. Member went far beyond that. The hon. Member ought not to make speeches of the kind that he had just delivered unless he was prepared to act up to them. The hon. Member laid down without any qualification whatever that the Irish people ought to be allowed to govern themselves exactly as they pleased in all things. The hon. Member would give the Irish Legislature the power of doing what they chose with regard to the endowment of education and religion. He said that the Irish people would change in their feeling about this question; but if the hon. Member was honest in his condemnation of the proposals of this Bill, he ought to vote against them. He did not see how he reconciled trust as to endowment in one case with distrust in another, and he feared the hon. Member's manner of dealing with the question would turn the

*Lord R. Churchill*

whole Bill into ridicule. It was difficult to conceive that he would vote for clauses that he thought so ridiculous. With regard to the attitude of the Government, he should like to refer, if not out of Order, to the Amendment brought forward last night. He could not understand how the Chief Secretary could allow a Bill for which he was responsible to be turned against an Institution like the Masonic Body, which had many merits, and which had never been detected in any errors of policy or in errors in the management of its affairs. Why should such an Institution be treated as if it were the most mischievous and worthless Body that ever existed? Why should it be left without the smallest protection for its property—property which it had in Dublin and in many parts of Ireland—when, refraining from the expression of political opinion of any sort, it was quietly devoting itself to its own charitable work, in which in Ireland, as in other places, it had accomplished so much good? As the Bill stood, the Masonic Body in Ireland was left to the mercy of the Roman Catholic Bishops and priests. He did not know whether the Chief Secretary would condescend to notice what he said; but if this was the way in which the rights of Institutions were to be treated in Ireland by the Chief Secretary, they could easily imagine how those rights would be treated by the Irish Parliament. He could not conceive anything which was calculated to give a greater shock to the English people than the treatment accorded to Freemasons by the Prime Minister.

MR. J. MORLEY: The noble Lord has failed show, as he could not help failing to show, that I have treated Freemasons in any objectionable way whatever. Though not a Freemason myself, a great many of my friends belong to that Body. I know, by accident, a great deal about Freemasons both in England and in Ireland, and I go entirely with the noble Lord, as also with the Mover of the Amendment last night, in the praise—and all the praise—bestowed upon that Body. I am well aware of the good and charitable works which Freemasons perform. There may be features connected with the Body which do not impress me with admiration; but as to the

substantial worth of the Body, I entirely agree with what the noble Lord and what the right hon. Gentleman the Member for Dublin University (Mr. D. R. Plunket) have said. But I must deny that my right hon. Friend at the head of the Government (Mr. W. E. Gladstone) has spoken of Freemasons in language of obloquy. The noble Lord was not here—

**LORD R. CHURCHILL:** I read it this morning.

**MR. J. MORLEY:** The noble Lord read it. Yes; but everybody who listened to the language of my right hon. Friend, without desiring to import a hostile meaning into it, must admit that he said nothing about Freemasons which was calculated to wound the feelings of anybody. The Prime Minister's argument against the Amendment was that it was too wide, and that it would cover an enormous number of Associations with which no rational man would deny that the Irish Legislature ought to be competent to deal. That was the foundation of the resistance which the Government offered to the Amendment.

**MR. A. J. BALFOUR:** I would just like to say that so closely did the Chairman of Committees think the Amendment connected with the Freemasons that he disallowed a subsequent Amendment mentioning the Freemasons by name, clearly showing that the first Amendment had reference to Freemasons alone.

**MR. J. MORLEY:** It is quite true that Freemasons were not included in the scope of the Amendment by words; but the speech of the Mover was entirely devoted to Freemasons and works of the Association. But there was nothing said to show that while in the existing state of things there is a hostile feeling in the mind of the Roman Catholic hierarchy against Freemasons, there was nothing to show that the Irish Legislature would be animated by the same feeling. I may be right or I may be wrong in this argument, but I wish to disclaim the imputation cast upon me of thinking or doing anything which would indicate hostility—hostility which I do not feel, and which it is impossible I should feel, towards a Body with respect to whom I entertain nothing but sympathy, and, in many respects, admiration.

**\*MR. T. W. RUSSELL** (Tyrone, S.) said, he did not know how English and Scotch Radicals—who had declared that the question of Church Establishment and Endowment must be left to be settled by the separate peoples who made up the United Kingdom—were going to deny this very right to the Irish people as they did in that clause. It was perfectly well understood that the Scottish Establishment would not endure any longer than Scottish opinion permitted it. This applied also to Wales; and he supposed the English might claim to settle the matter for themselves also. Would the Radicals not grant the same right to the Irish people as to the others? Why did they not do so? He knew the reason. If they had told the English people at the last Election that the Irish Parliament was to be at liberty to endow Roman Catholicism, the present Government would not have been in Office. He might be told that the Irish Members consented to this. They knew what Dr. Doyle, Bishop of Kildare, said before a Committee of this House in 1829—that the Church Establishment in Ireland would never be touched. Dr. Doyle could not bind his successors. Neither could the Irish Members of to-day. He had always held that religion could be endowed, not directly, but indirectly through education. Let them take the case of primary education. There was no such thing as a denominational system of education in Ireland. There were some thousands of mixed schools which were undenominational in attendance, and the whole theory of the National system of education was not denominational; it was non-sectarian, and the Irish Legislature, by the vote of English and Scotch Radicals, was to have the power of turning this non-sectarian system into a sectarian system. That was exactly the power that was being given. The hon. Member for East Edinburgh (Mr. R. Wallace) told them he would let the Irish Legislature do as it liked. Was that what his constituents understood at the General Election? They were handing over this power of turning a non-sectarian into a sectarian system; and, so far as they (the Liberal Party) handed it over, they would be responsible for the result. See how it could be worked. What had been the desire of hon. Members below

the Gaugway opposite all along? Had they given one ray of hope during the years they had sat there that in dealing with this education question they would not be guided by the Roman Catholic Bishops? What was the claim of the Roman Catholic Bishops? Why, that they were supreme in the region of faith and of morals, and whatever else might be in that region education clearly was, and, therefore, he maintained that the gentlemen who would compose the Irish Legislature, so far as education was concerned, would be absolutely under the control of the Roman Catholic hierarchy. They could not escape from their own convictions and principles, and to do them credit they had never shown the slightest desire to oppose their Bishops in any way. What would be easier than this: Suppose the Irish Legislature desired, in obedience to the Bishops, to hand over to the Christian Brothers and the other Religious Orders in Ireland the education of the people, the Roman Catholic lay teachers would have to be got rid of; but that would be easy, because they might be dismissed by the parish priests. ["No!"]

An hon. MEMBER: There is an appeal.

\*MR. T. W. RUSSELL: To Sir Patrick Keenan?

An hon. MEMBER: No, to the Diocesan Authority.

MR. T. W. RUSSELL: An appeal from the parish priest to a Convocation of priests, forsooth! Suppose the Irish Legislature did this, what would happen? These Religious Orders could not hold property—

MR. FLYNN (Cork, N.): They do; the Christian Brothers have plenty of property.

\*MR. T. W. RUSSELL: The individual Brother could not hold property. So far as the Order was concerned, they were Christian Socialists. The maintenance of a Christian Brother cost a very small sum. He would get £100 or £120 a year as a first-class teacher, and the difference between his salary and the cost of his maintenance would be handed over to the Church. What was that but endowment? It was a most effective form of endowment. If this Legislature was ever set up that was exactly what would

take place in Ireland. Again, as regarded higher education, what would have happened if in 1886 the Prime Minister had gone to the country with the declaration that as part of the Home Rule policy he proposed to give the Irish Legislature power to set up a sectarian University in Ireland. Hon. Members on the other side know my views on that point. At any rate, the hon. Member for North Kerry knows them. Sectarian education—a Roman Catholic University set up under the auspices and direction of the Imperial Parliament was one thing, but such a University set up by the Irish Legislature and dominated by the Roman Catholic hierarchy was an entirely different thing; and what the Government were doing—and let there be no mistake about it—was sectarianising the educational system of Ireland from the bottom to the top. This Debate would be read by Nonconformists in England and by Presbyterians in Scotland. Home Rule in the abstract was one thing, but Home Rule in the concrete was another. The electors of Linlithgow gave evidence of that the other day.

An hon. MEMBER: What about Swansea?

\*MR. T. W. RUSSELL: The electors had not the slightest idea of what the vague phrase "Home Rule" meant. The Government had refused to tell them what it meant; but now the Bill was before them the Government would see the result in due time. The electors of the country when they voted for Home Rule had not the slightest idea that it meant giving the Irish Legislature power to suspend the Habeas Corpus Act, and to throw Ulstermen in gaol by the hundred without trial, and to vary contracts. Then, as to Freemasons. He himself was not a Freemason and did not belong to any secret society, but the Freemasons left to the tender mercies of an Irish Parliament would be in a very bad way indeed. Why did he say that? Because they had been denounced as well as every other secret society by the authorities of the Roman Catholic Church. Did anyone mean to tell him that the Irish Bishops and priests, who practically controlled elections in Ireland, were not going to carry out their convictions on these matters as citizens? Why, they would

*Mr. T. W. Russell*

not be the men they were if they did not. They would carry out their convictions in this Legislature, and the result would be that pains and penalties would be imposed by the Irish Legislature on all such secret societies. Here was a point which would touch hon. Members below the Gangway, who were interested in the temperance movement. Twenty years ago the Order of Good Templars, of which he was not a member, had been introduced into Ireland, and more than 500 Roman Catholic working men in the City of Dublin joined that Order. Three months after they joined, the late Cardinal Cullen issued a Pastoral denouncing the Order and everyone belonging to it, and these men had to make their choice between leaving it or being excommunicated from the Church. That was the kind of spirit to which the Government promised to hand over the Presbyterians and Methodists of Ireland. It would be absolutely impossible, even if they were willing, for such men as the hon. Member for North Monaghan (Mr. Diamond), who had announced himself an Ultramontane and Papist first, above everything else, to control this spirit. This clause showed what Home Rule really meant. They had it now unmasked, and the constituencies would know how to deal with it and the Government at the next General Election. [*Cries of "Closure!"*]

MR. GOSCHEN (St. George's, Hanover Square): We have no desire to prevent the Government having this clause to-day. We are prepared to pass this clause to-day. We part with it, knowing that it is so bungled that new words have had to be introduced, and that constructed as it is it does not even carry out the intentions of the Government. We find that the safeguards which we expected are not within its four corners, and subjects such as the prevention of bounties which we wished to put in have been refused by the Government. We have dealt with great rapidity with this clause. Such subjects as the habeas corpus, liberty of the Press, and other matters, that would have been discussed for days if they had come up as substantive questions, we have allowed the Government to have with a rapidity for which we may almost reproach ourselves. After all this, what do we find? If we had really known what was in the

clause we might have taken a great deal more time. But what, I say, do we find now? That, contrary to our general impression, this clause contains powers for the new Parliament which, if they had been put as substantive proposals before the House, would at least have taken a week—proposals worse from one point of view than those which practically wrecked the Government in 1873. These proposals go infinitely beyond those of 1873. And we have not known that they were in the clause. Why did we not know it? Why did not the Government candidly tell the Committee at an earlier date what was in the clause?

AN HON. MEMBER: We did.

MR. GOSCHEN: No, the Government refused to tell us until to-day that it gives power to endow a Roman Catholic University. And even as regards primary education no single Member of the Committee, unless perhaps it was some Irish Member—and I do not know that even they saw the paper which has been read out—knew the exact scope of the Government proposal. This information has been concealed from the Members of the Committee, and no Minister has got up to excuse the fact that the Committee has been kept in the dark during the whole of the Debate. The right hon. Member for West Birmingham in a powerful speech denounced the conduct of the Government, but the Chief Secretary, who could find time to get up and speak as to the Freemasons, did not reply to the right hon. Gentleman. And why? Because he had no answer, and because he did not wish to bring this question before the country. Well, it will be our business to bring it before the constituencies. I do not know whether hon. Members opposite will do the same. I wonder what story they will tell on the platforms—whether they will say that the safeguards in the Bill are drawn so obscurely that nobody can tell what they mean, and what they authorise the Irish Legislature to do. After several attempts had been made during the course of these Debates to elicit the real intentions of the Government, it was found that either they did not themselves realise their intentions as to a Roman Catholic University, or that they did not agree with the Irish Members or with the

Irish episcopacy. It was evident that time had to be taken, and it was necessary to put off the discussion until the end of the clause, when it is no longer in the power of the Committee to amend it in the direction which I believe the country would have it amended in. That is the conduct of Her Majesty's Government, and we now know that there is to be a Roman Catholic University endowed out of the general taxation of Ireland.

**MR. J. MORLEY:** The Prime Minister said a College.

**MR. GOSCHEN:** Well, College. At present the University has not been settled; that must be kept perhaps for the Report stage. [*Cries of "Divide!"*] We have been deceived—and I call it deception if it was in the mind of the Government. That is the dilemma they are in. Either they knew what they intended, and they ought have told the House, or they had no policy, and have only adopted one at the last moment. I rather suspect the latter alternative. At any rate, their conduct this evening will remain as a monument of as much mismanagement as has ever been crowded into a week necessary for the discussion of the subject.

Question, "That the Clause, as amended, stand part of the Bill," put, and agreed to.

Committee report Progress; to sit again upon Wednesday next.

#### MESSAGE FROM THE LORDS.

They have agreed to—Weights and Measures Bill, Duchy of Cornwall Bill, Local Government Provisional Orders (No. 10) Bill, Local Government Provisional Orders (No. 11) Bill, Local Government (Ireland) Provisional Order (No. 3) Bill.

Amendment to—Voluntary Conveyances Bill [*Lords*].

Amendments to—Railway Servants (Hours of Labour) Bill, Water Provisional Orders (No. 1) Bill, with Amendments.

That they have passed a Bill, intituled, "An Act to confirm certain Provisional Orders made by the Board of Trade under 'The Gas and Waterworks Facilities Act, 1870,' relating to Bromyard Gas,

Llanfairfechan, and Aber Gas, Otley Gas, and Swindon Gas." [*Gas Orders Confirmation (Bromyard, &c.) Bill [Lords]*].

#### GAS ORDERS CONFIRMATION (BROMYARD, &c.) BILL [*Lords*].

Read the first time; and referred to the Examiners of Petitions for Private Bills, and to be printed. [*Bill 400.*]

#### EVENING SITTING.

#### ORDERS OF THE DAY.

#### SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### GOVERNMENT OF SCOTLAND.

##### RESOLUTION.

**DR. CLARK** (Caithness) moved the following Amendment:—

To leave out all the words after the word "That," in order to insert "in consequence of the pressure of Public Business, and the failure of this House to deal with Scottish affairs in accordance with the wishes of the Scottish people, it is desirable to devolve upon the Scottish Legislature all matters exclusively relating to Scotland."

He said, he thought there was no difficulty in proving the preamble of his Motion—namely, that there was such a congestion of Business at Westminster that it was impossible for Scotch Business to be transacted. The present Session would no doubt pass away without a single Bill having been passed into law for Scotland. The difficulty was by no means a new one. Ever since the Reform Bill of 1867 there had been such a congestion of Business that the House of Commons had been utterly unable to get through one-half the Business it ought to get through. To show that it was not due to what was called Irish obstruction or to any temporary causes, but was permanent, he would quote two authorities, the Prime Minister (Mr. Gladstone) and the late Prime Minister (Lord Salisbury). The Prime Minister went down to Aberdeen 22 years ago, before Isaac Butt entered Parliament, and, in accepting the freedom of the city, apologised to the

*Mr. Goschen*

Scotch people for the condition of their Business in Parliament. The right hon. Gentleman said—

"I admit, without the least hesitation, that the present condition of the action of Parliament with regard to Scotch Business is unsatisfactory. You have much reason to complain—or at least to regret, for I am not sure about the complaint—but you have much reason to regret, and I have deep reason, as have my colleagues, to regret that we have not been able to deal with several subjects interesting to the feelings of Scotland, and material to its welfare, with the promptitude that we should all have desired. . . . The difficulty is a very great one. Parliament is overtaxed; it performs a great deal more work, and has probably at all times—most certainly for the last 40 years—performed a great deal more work, than any other Legislative Assembly in the world. . . . But besides temporary difficulties, there are real difficulties of a more serious kind in the discharge of the work of legislation. The amount of demand upon Parliament, the province marked out by public opinion for legislation is greatly enlarged, and that which was, even when my life began quite sufficient for the strength of the House of Commons, has now grown to such a height and mass that that strength is insufficient to meet it. Parliament is now expected to regulate the relations of life between different classes and to provide for public wants and against public evils of a description that were formerly believed to lie altogether beyond its competence and its power. Legislation upon health, legislation upon atmosphere, legislation upon water, legislation upon drainage, legislation upon labour in all its relations—these are topics which, in few words, contain the key to a vast mass of work waiting to be done and which it has not been found possible to overtake. . . . But if doctrines of Home Rule are to be established in Ireland I protest on your behalf that you will be just as well entitled to it in Scotland, and, moreover, I protest on behalf of Wales, in which I live a good deal, and where there are 800,000 people who to this day, such is their sentiment of nationality, speak hardly anything except their own Celtic tongue—a larger number than speak the Celtic tongue, I apprehend, in Scotland, and a much larger number than speak it, I apprehend, in Ireland—I protest on behalf of Wales that it will be entitled to Home Rule also."

Lord Salisbury went down to Glasgow a couple of years ago to receive the freedom of that city, and practically the words he used and the words of the present Prime Minister were identical. Lord Salisbury said—

"I believe that the evils which we all complain of in the proceedings of Parliament are not due to the fault of Parliament or of those who guide it. It is very common to say Parliament would do very well if it were properly led; but when you observe that the same complaint arises in Ministry after Ministry, and gets worse rather than better, and when you see that the cleverest men who have to lead the

House of Commons effect no essential improvement in this particular evil of which we complain—the delay and imperfection of legislation—you naturally conclude that this evil does not lie in the men, but lies in the system and the task which they have to do. . . . Social questions are pressing upon us with unpleasant proximity. They are very difficult to solve—most difficult of all to solve—because many of them depend for their solution upon the circumstances of the particular locality in which they are raised. A solution is good for one part of the country which might not be good for another part of the country. Again, there are questions which it is difficult to solve in a mechanical manner by putting a formula upon the Statute Book, but it would be possible to solve by citizens legislating for citizens whom they personally know. Personal interest, personal proximity, personal investigation into the conditions of these social problems by those who have influence and power in the locality where they arise might often furnish a way out of the perplexity and avoid raising all the passions by which the fabric of our society is threatened, if only we would give greater trust to Local Bodies and not insist on piling upon the Central Legislature work for which it is unfit, and which it is unable satisfactorily to perform."

As a matter of fact, Scotch Business was practically in the same position as it was immediately after the last Reform Bill. Only two Bills had been passed for Scotland since 1885. One of these was a measure which was intended to solve the Scotch University question, and which constituted a Commission, some of whose Ordinances the Scotch Members had compelled them to withdraw, and whose work, to all appearances, would have to be done over again when the opportunity arose; whilst the other was the Burgh Police Bill. The last-named was chucked through the House anyhow, the result being that the Secretary for Scotland, before the Bill came into operation, had to bring in an amending Bill. There was no doubt other Bills passed, but they were consequent upon English legislation. Mr. McLagan's Permissive Bill had received the support of a large majority of Scotch Members for three Parliaments, and during the last eight or nine years Scotch Members had ballotted for a place for this Bill, but they had found it utterly impossible to get a hearing for their cause. The liquor traffic in Scotland was going on causing misery, poverty, and premature death, yet the Scotch Members who were desirous of improving the state of things could not get a hearing. The right hon. Gentleman the Chancellor of the Duchy (Mr. Bryce) had a Bill in his



hands for some years, and last year he withdrew it in order that he might move a Resolution on the subject. He carried that Resolution, but was just as far from having the Bill passed as ever. He (Dr. Clark) had a little Bill in reference to the Scotch crofters, but for six years he had only once been able to get a hearing. But this was not the whole of the Scotch case. Scotchmen believed that they were very much overtaxed, and that they got far too little money from Imperial sources. As a matter of fact, the country that Great Britain exploited was not India, or the Colonies, or Ireland, but Scotland. Three years ago the late Chancellor of the Exchequer (Mr. Goschen) proposed that, instead of grants, Scotland and Ireland should receive a proportion of certain taxes. The Scotch Members had been very anxious to know on what the proportion proposed to be given was based, as they were certain that someone was blundering. It had now been discovered that, as far as Ireland was concerned, her proportion of the Excise Duties had been erroneously stated to the extent of over £360,000, and Returns had shown that at least £1,500,000 was overpaid by Scotland to the Imperial Exchequer, yet the Scotch Members could not even get time to have a Committee appointed on the subject of financial relations this Session. But even when an opportunity was obtained for bringing on Scotch Business Scotch opinion was ignored, and the Scotch Members were overpowered by the English Members. When the late Government wished to make certain changes under the Local Government Bill the Scotch Members naturally wanted to have the question solved in accordance with Scotch wishes, and the Scotch Representatives were four or five to one in favour of certain proposals, but the English Members came in and overwhelmed them. Things could not go on in this fashion. What was the use of Scotch Members coming to Westminster if they could not do anything? There was only one remedy for the present state of congestion, and that was devolution. He did not care what form it took. Some of his hon. Friends, and, he believed, the Government, were willing to have a Scotch Grand Committee; but that did not meet the difficulty, because they could not get their

Bills read a second time. Things were getting worse and worse every year. Civilisation was developing, and the democracy was getting more and more powerful, the result being that more legislation was wanted. He had no objection to the Scotch Members meeting in Scotland to do Scotch work and then coming to Westminster for Imperial business. The hon. Member for Wigton (Sir H. Maxwell), who had given notice of opposition to the Motion, seemed to think that he (Dr. Clark) was desirous of repealing the Union. He admitted that the Union had been a good thing for Scotland, but it had been a much better thing for England. He thought it would be well that Scotchmen should do their Imperial business in London, but that they should solve their own Scottish difficulties in their own way, and in a way that no Imperial Parliament could do. He did not want to repeal the Union, but he should like to devolve certain powers on a Legislature in Scotland, and he hoped on one in Wales and one in England. The Imperial Parliament would then be free to do its Imperial work. Even the Member for West Birmingham (Mr. J. Chamberlain) had said on the Second Reading of the Home Rule Bill that, if it had been a Federal Bill, he would have supported it. Every sensible man had come to the conclusion that the only rational outcome of this business was Home Rule all round. Why had the Liberal Leaders, instead of helping on the Scottish Home Rule cause, done their best to crush it? The right hon. Gentleman the Member for Newcastle (Mr. J. Morley) had stated the reason. He said England was a Conservative country, and it was necessary to have Scotch Liberal Members in the British Parliament in order to obtain Liberal legislation. The right hon. Gentleman the Prime Minister said, in 1890, that he was in the same position with regard to Scotch Home Rule as he was with regard to Scotch Disestablishment, and he afterwards voted for Scotch Disestablishment because he saw the majority of the Scotch Members were in favour of it. Scotch Members were about to have an opportunity of expressing their opinion on the question of Scotch Home Rule. There was no doubt that the movement was making progress in Scotland. On the last occasion when the matter was

brought forward only one Scotch Member voted against the Motion, and he met the fate he deserved, as he was defeated at the General Election. In 1889 the Motion was rejected by a majority of 121; in 1890 it was rejected by a majority of 40; in 1891 it was counted out, and last year it was rejected by a majority of 20. The Liberal Party was pledged to Home Rule, and all the Scottish Liberal Associations were pledged to it. The Scotch people were not hysterical on the question, but they were calm and strong in their resolve to obtain the management of their local affairs.

MR. R. T. REID (Dumfries, &c.), in seconding the Motion, said, he thought his hon. Friend was entitled to say that the whole of the Liberal Party in Scotland was in favour of the principle he had affirmed, and that those Members of the Cabinet who sat for Scottish constituencies had delivered themselves in the same sense. Nor did he question that they would vote in the same sense. The reasons which had created the decided feeling were mainly discontent with the manner in which Scottish Business had for years been transacted by the House. When a Conservative Government was in power the wishes of the minority alone were considered, while the Liberal Party, when in power, had so much other business. The Scottish Members were regarded as so loyal under all circumstances that their patience was over-taxed. Unless Scottish business was more properly attended to in the future, there would not be a Liberal majority from Scotland very long. This year things had been worse than usual, although he did not blame the Secretary for Scotland, to whom he tendered his thanks for the fearlessness and courage with which he had faced the questions which came before him. They all knew that a good deal of time would have to be consumed over the Home Rule Bill; but he confessed he was not prepared for the prodigious waste of time which was threatening to bring Parliamentary Institutions into contempt. Knowing how the Session would be occupied, the Scottish Members proposed to the Government that there should be a Standing Committee of Scottish Members to deal with the Second Reading and Committee stage of

purely Scottish Bills. There had been no reply to the suggestion, and he regretted the Government had not seen their way to grant the proposal. If it had been granted, they might have carried through those stages Bills relating to liquor, the land, the Church, and registration. He hoped the right hon. Gentleman would be able to say that next year such a Committee would be appointed. The proposal was, of course, merely a temporary expedient, intended to meet a special emergency. No one, he thought, would regard it as a final solution of the question. The real difficulty was the absolute inability of the House to deal with the mass of business which devolved upon it, and which was increasing every year. Supply had to be left to the "dog days," and who could doubt that great extravagance would arise from that? Indian finance was neglected. The right to move the Adjournment of the House had been abridged. Standing Committees had been ineffective. A stringent Closure had been submitted to, and the private Member had been absolutely extinguished. His hon. Friend the Member for Wigton (Sir H. Maxwell) was going to move the rejection of this Motion. Would he, or anybody, suggest what remedy there was for the present state of things, unless it be devolution of business; and, if so, how could they have it otherwise than in accordance with those differences of nationality, history, traditions, legal tribunals, and laws which separated Scotland, England, and Ireland? His hon. Friend also would tell them that there was no serious wish in Scotland for this proposal. Well, he would best judge of that when he saw how many Scottish Members would go into the Lobby to-night in its favour. As he came from the same part of the country, his hon. Friend would not dispute that all the candidates in that district who stood for the present Government advocated this Home Rule; and, for himself, he believed that the people of Scotland did seriously desire to have some efficient means of getting their business done properly and with despatch, to have their money spent economically and not squandered, to have their grievances soberly considered and temperately redressed. There was no desire to term

this a Nationalist movement, or to break up old traditions. He put forward this claim as a question of business. He did not think there could be the slightest question in the mind of the most timid Unionist of the disruption of the Empire by reason of what they asked. He himself felt that for the sake of Scotland it would be most undesirable if they were to be otherwise than in the closest touch with the rest of the Kingdom. Nor could he regard with equanimity the desolate condition of England and Wales if deprived of Scotland's assistance. All they wanted was the opportunity of doing the business which was peculiar to themselves. The chief causes which made Home Rule for Ireland difficult were the Ulster question, the predominance of Roman Catholicism, and the cruel and ungenerous attacks upon the private characters of the Irish Members, concerning which he could not sufficiently express his abhorrence. But in Scotland they had no Ulster question, no predominant Roman Catholicism, and, as to private character, if anything they were eminently respectable. They had no Plan of Campaign or boycotting; they had not even criminal conspirators; they were not even afflicted with the mysterious malady which made Irishmen incapable of managing their own affairs, although they were competent of managing the affairs of other countries, and they were on excellent terms with their police. If it appeared that the country which was uncommonly canny was asking Home Rule merely because it found that this House of Commons was unable to transact their business, surely this consideration would go some way to reconcile even the most timid of the English electors to the necessity of devolving upon the people of Scotland business they were able to undertake. They had no desire to prejudice the case of Ireland; but after they had done their best for the purpose of carrying a great act of justice and policy towards Ireland, they would ask, and they had not the slightest doubt that they would be able to secure, an efficient and thorough measure by which Scotland might be able to discharge the business which had been so long in arrear.

Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to insert the words "in

*Mr. R. T. Reid*

consequence of the pressure of public business, and the failure of this House to deal with Scottish affairs in accordance with the wishes of the Scottish people, it is desirable to devolve upon a Scottish Legislature all matters exclusively relating to Scotland,"—(*Dr. Clark*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

\**SIR H. MAXWELL* (Wigton), who had on the Notice Paper an Amendment

To leave out all after the word "That," and to insert "having regard to the advantage which Scotland has derived from the Legislative Union with England, and in the absence of any serious expression of Scottish opinion in favour of its readjustment, this House declines to entertain the proposal for a separate Legislature,"

said, Members in all parts of the House would agree that some of the observations of the Mover and Seconder were worthy of the consideration of the House; and whatever conclusion they might come to by their vote, the time would not have been altogether wasted which had been taken up in enabling at least some of the Scottish Members to ventilate grievances which seemed to lie so heavily upon their minds. When, however, they considered that the Business of Supply had been interrupted at this period of the Session to discuss so large a proposition as that of the hon. Member, he thought they would not all be unanimous in congratulating him upon having selected a propitious moment for bringing it before the House. He had invited the House, not for the first time, to join with him in a proposition, and in advocating a course which, as everybody knew, must, if it was carried to its ultimate conclusion, be detrimental to the best interests of Scotland. He supposed there was no one present who believed that if this Motion was carried and prosecuted to a practical conclusion by the establishment of a separate Legislature in Edinburgh it would stop at the petty Chamber described by the Seconder of the Motion.

*MR. R. T. REID*: I said nothing about a petty Chamber.

\**SIR H. MAXWELL*: The hon. and learned Gentleman said nothing about a petty Chamber, but he described a Legislative Chamber with petty powers.

*MR. R. T. REID*: I never said a word about its powers; but if the hon.

Baronet wishes to know my opinion, I will tell him that the proposed Legislature ought to have absolute power over everything solely connected with Scotland.

\*SIR H. MAXWELL said, that was exactly what the hon. and learned Member stated in his speech. Did the hon. and learned Gentleman remember that for the last 28 business days in that House they had been endeavouring to distinguish between Imperial questions and Irish local questions, and they had made very little progress, indeed, in the solution of the problem? The complaint of hon. Members from Ireland was that they had restricted too much the powers of the proposed Irish Legislature, and given to it too much the character of a petty Chamber. One felt a curiosity to know what were the opinions of the Prime Minister on this point. The right hon. Gentleman was a Scottish Member. It so happened that his utterances on this question in the past had been even more Sphinx-like than usual. In the Debate on the Motion of the hon. Member for Caithness in 1889 the right hon. Gentleman said—

“I do not feel myself to be in a condition to deal with the question at the present moment definitely and on its merits.”

One naturally turned to the right hon. Gentleman's latest utterances, and that was during the General Election last year. Speaking at Dalkeith on the 6th of July last year, he was asked his opinion about Scottish Home Rule, and what was the right hon. Gentleman's answer?

“Let me tell you that it is not given to human nature to dive into the depths of this question at a moment's notice.”

If that utterance was not Sphinx-like in its characteristics it was at least Delphic. The Prime Minister was not present to-night. The “old Parliamentary hand” to-night was, for the purposes of this Debate, a vanished hand. They must look to the right hon. Gentleman the Secretary for Scotland to reveal to them the mind of the Government on this question. He would not venture to forecast what the right hon. Gentleman's utterances might be, further than to say that he was pretty confident it would be to the effect that when it was worth the while of the Government to give their support to this Resolution, in this, as

upon other questions, they would adopt the course which would secure them the greatest number of votes. [*Ministerial cries of “Oh!”*] Yes; they had done that repeatedly. That was Opportunism, and nobody would deny that this was an Opportunist Government. The hon. Member for Caithness had referred to popular feeling upon this question in Scotland. Neither by Petition to the House, nor by public meeting, nor by any other evidence had the people of Scotland given any serious intimation of their desire for a separate Legislature in Edinburgh. There was nothing more certain than this—and anyone who knew Scotland would bear him out in the assertion—that no sooner had they a Legislature in Edinburgh than they would have an agitation on foot for one in Glasgow. None of his own constituents had addressed him on the subject—no one, indeed, from Scotland—with one single exception. He was waited upon the previous day in the Lobby of the House by an official of the Jacobite White Rose League who warned him against the serious course he was taking in opposing a National movement, and asked if he was aware that the result of the election in Linlithgowshire was due to irritation caused by the slight which the Prime Minister had cast on the Home Rule movement. He congratulated hon. Members opposite on their new ally. He had no doubt that if this movement for Home Rule in Scotland went on, with the assistance and approval of the Jacobite League, it would also have, as Irish Home Rule had already received, the approval and assistance of the Vatican. He could well understand how the hon. Member for Caithness exacted applause from half-educated or partially educated audiences by the version he gave of the proceedings of this House in regard to Scottish affairs. But had that hon. Member no recollection that Session after Session proposals were made by the late Government for dealing with the Private Bill Procedure for Scotland, and how they were met?

MR. HUNTER (Aberdeen, N.): They were wretched.

\*SIR H. MAXWELL said, that the hon. Member for Aberdeen would not deny that, so far as the scheme went, it tended to relieve the pressure of Business

in this House. ["No, no!"] The hon. Member for Caithness even refused to discuss the Bill. On the 4th December, 1890, during an Autumn Session, the Government for the second or third time moved the Second Reading of the Private Bills (Scotland) Procedure Bill; but the hon. Member for Caithness refused even to discuss it. Mr. Smith, who was Leader of the House at the time, said that if the hon. Member persisted in the opposition there was no alternative but to postpone the further consideration of the Bill.

"May I point out," said the hon. Member for Caithness, "that this is one of the most revolutionary Bills ever introduced into this House? It takes away from the House powers which it has always possessed."

DR. CLARK said, that was because the Bill proposed to give legislative powers to a paid Commission—to a few Edinburgh lawyers—whereas he proposed to give the Representatives of the people powers of legislation.

\*SIR H. MAXWELL considered it a pity that the hon. Member did not express himself more clearly when the Bill was before the House. The hon. Member for Aberdeen objected to his using the term "half-educated" in reference to the audiences addressed on this subject by the hon. Member for Caithness. No one set higher value on education than the hon. Member for Aberdeen did himself; but would the hon. Member seriously contend that the audiences which the hon. Member for Caithness was in the habit of arousing to enthusiasm on the subject of Home Rule for Scotland could be described otherwise than as half-educated? What knowledge had those people of the history of their country? He had lived in Scotland all his life; he was intimately acquainted with the people of Scotland; but, much as he respected the ardour which they had always shown to obtain education, it was incontestable that, in addressing the large masses of the people, they were addressing people who had not the means and leisure to acquire such knowledge of the history of their own country as would alone enable them to form a true opinion upon a question such as this. The hon. Member for the Dumfries Burghs had disavowed any inclination to interfere with the union of England and Scotland. But if the Motion was carried, it pointed to a state

of matters which formerly existed in this island, and which had been cast aside when there was a union of Crowns, but no union of Legislatures. In that respect the advocates of Home Rule for Scotland had a much worse case than those who advocated it for Ireland. They had only to go back in the case of Ireland 100 years to find Ireland under Grattan's Parliament, during which time there had been a considerable development of material prosperity. [*Nationalist cheers.*] Yes; that had never been denied by the Unionists. But in Scotland they had to go back 200 years to find a separate Legislature. And what was the state of Scotland then? Scotland was a by-word for poverty among the nations. She had been so for centuries, ever since the line of succession had failed by the death of the Maid of Norway. Up to that time Scotland, under her own Monarchs, had been successful and prosperous. After that time she became a prize of contention between the Monarchs of England, who claimed the Throne, and her own native chiefs, who claimed as being descended through the female line from the Pictish Kings. [*Cries of "Bannockburn!"*] He was not ashamed as a Scotsman to say that, proud as they were of Bannockburn, and great as was the lustre reflected upon the Scottish arms upon that day, he looked upon Bannockburn as the greatest misfortune that ever befel his country, and especially the lower orders in it. Up to that time Scotland had been prosperous, secure, industrious, and comparatively rich. After that time Scotland was torn by civil feuds, and was constantly at war with her powerful neighbour, England. She was bled almost to death by exactions and war indemnities. That state of things pressed most hardly, not upon the Barons and the landowners, but upon the people of Scotland. It was on these parts of history that he invited the hon. Member for Caithness to instruct his constituents, because he could not but believe that if these circumstances were well known to the people of Scotland the Motion before the House would not receive any support from them. Fifty years before the union of the Legislatures General Monck appealed to the Government in London to have pity upon the poor people of Scotland, for 25 per cent. of the valuation of the country

went in taxation, and the burden was almost more than could be borne. There were no men and means to work the natural resources of the country. Its actual wealth was the same as at the present time. The coal was in Lanarkshire, the lead and iron in her hills, but no means to work them, for the men had been drawn away for military service, or were making their living in foreign armies. Was that a state of matters to which the hon. Member would revert?—a state of matters when there was a union of the Crowns and a separate Legislature. It got worse before the Union was actually brought about. The very last Act of any importance in the Scottish Parliament was the Act of Security, by which it was provided that no individual succeeding to the English Crown should succeed to the Scottish Crown. What did that point to but complete national separation? Many arguments which could be brought against this proposal were identical with those which had been already used repeatedly against a similar proposition for Ireland. He was bound to say he relied principally upon two qualities among his fellow-countrymen. He relied upon their knowledge of past history. He had already said that that knowledge was imperfect. But he trusted that the hon. Member for Aberdeen and other hon. Members would assist in the work of making it more perfect. He also relied upon their business instincts and their sound common sense. A story was told by Dr. John Brown of his father. He was visited by a Mr. Husband, also a minister, who wished to consult him upon the place which grace held in the Divine economy, and his answer was—“James, the grace of God can do muckle, but it canna gie a man common sense.” Argument might do a great deal, but common sense would do a great deal more. If it was not possible to instruct the masses with a sufficient knowledge of history to insure the rejection of any such measure as was shadowed forth by the proposal of the hon. Member for Caithness, it was, at least, possible that their common sense would prevent them being beguiled by what he was bound to call the pinchbeck patriotism and the tinsel nationalism which served the hon. Member in the place of arguments, and would prevent them giving any support to a course

which would surely jeopardise the welfare of the land and people of Scotland.

\*THE SECRETARY FOR SCOTLAND (Sir G. TREVELYAN, Glasgow, Bridgeton): The hon. Baronet made a very interesting speech, in which I can only find one fault, and it is that he has given me very little to answer. One or two of the latter parts of the speech I am inclined to say a word or two about. The hon. Baronet says he has been born and bred in Scotland. I was not born and bred there, but I have been for a quarter of a century a Scottish Member, and I utterly deny that his view of the foundation of Scottish politics is the right one. I say that, compared with almost any other people in the world, their political feelings are founded upon their sound knowledge of the part of their history which it is important for them to know. Scottish Liberalism is founded, if it is founded upon any one thing, upon the recollections which great-grandfathers have handed down to grandfathers and sons of the terrible time at the end of the last century and the beginning of this, of the repression which was inflicted upon humble Scotsmen, who endeavoured to stem the tide of political reaction when reaction was vindictive and powerful. I would like to know how many English Radicals there are who thoroughly know the whole story of the persecutions of those days; how many English Radicals are acquainted with the story of the prosecution of Thelwall and Holcroft and Horne Tooke? And yet few Scottish Radicals are there who thoroughly know the whole story of Muir and Palmer, and the other martyrs who suffered in 1793. The hon. Member talks of the lower orders and the uneducated audiences who listen to my hon. Friend the Member for Caithness. Why, 300 years ago, and ever since, the lower orders in Scotland were educated in a manner better than the middle class in England; and if a person's historical knowledge does not extend down into the time when Scottish schools were set up after the Reformation, all I can say is that the historical knowledge that he has before that time is worth very little indeed. The hon. Baronet says that our constituents do not care about this question, and that they have not petitioned. If our constituents are not uneasy at the state of Scottish

Business in the House of Commons during the last six years, and during this year also, our constituents are wrong. The hon. Baronet asks me to speak out on behalf of the Government. I shall speak clearly enough. He talks of the utterances of the Prime Minister as being Sphinx-like and Delphic. I will quote to him, before I sit down, the latest utterance of the Prime Minister about Scottish Home Rule, which is clear enough. But at present I will only say that we are uncommonly glad—that is not a Sphinx-like mode of expression—to see this Resolution on the Paper, and that we were not sorry to hear the speeches which supported it. There was plenty of energy in those speeches. They went to the heart of the question instead of touching the fringe of it, and if at any time they were outspoken enough to the very verge of energy speech permits of, I will only say that in the political world as at present constituted, whether as regards causes or nations, it is a case of the silent going to the wall. I do not think this Motion is, in the very least, either premature or uncalled-for. If we look back for the last six years, and especially to the present Session, it is high time that a Motion should be made expressing the dissatisfaction of Scottish Members with the conditions of Scottish Business, and it is high time that not only such speeches as those we have heard from my two hon. Friends should be made, but that likewise a record of the dissatisfaction of Scottish Members should be placed on the Journals of the House. There is no record of that dissatisfaction as yet which people can point to who want this state of things changed. For five, ten, twenty years past, Scotland has been in favour of measures of reform which could not be passed in this House, and that for two reasons—either Scottish Business is crowded out, or the opinion of Scottish Members is over-ruled. I want it to be understood that I refer to all the Scottish Members, and not only to Liberal Scottish Members, because it is not only a question of Liberal Scottish Members. When Imperial questions are before the House, Scottish Members vote stoutly with their Party; but when Scottish questions are being discussed, and Scottish Institutions are being over-

hauled, then Scottish Conservative Members frequently, and Scottish Liberal Unionist Members still more frequently, vote on the side of reform. But I am sorry to say that in dealing with Scottish questions English Members never forget that they are Party men, and the consequence is that Scottish opinion is over-ruled by masses of gentlemen who pour into the House, and who know nothing whatever except the Lobby into which their Whip tells them to go. The noble Lord the Member for Paddington went down to Scotland not very long ago and made a great attack on my hon. Friend the Member for Caithness. I will not read the most telling sentences, because they are not to the purpose, and they would sound very incongruous in my mouth, but the speech goes on—

“What a moment has Dr. Clark chosen! The moment of all others when, during a long and laborious Session, Parliament has devoted almost the whole of its time to establish a popular local government throughout the length and breadth of Scotland—the establishment of that local government in entire accordance with Scottish opinion.”

That is the announcement. What is the truth? The Scottish Local Government Bill is an English Code imposed upon Scotland against the opinions of the enormous majority of Scottish Members, in obedience to English prejudices and to English interests. I am not going to read the points to which I refer. I am not speaking to men who are ignorant, to men who have not passed through that ordeal; and I shall have them with me when I maintain that there are at least 10—I should say 12—of the leading principles of the Scottish Local Government Bill, on all of which from 39 to 53 Scottish Members voted in the minority, and from 18 to 10 Scottish Members voted in the majority. These were not only Liberal Members. On the question of rights of way, in which 38 Scottish Members were defeated by 11 Scottish Members by the help of the vote of the rest of the House of Commons, seven of the 38 were our political opponents. My hon. and learned Friend the Member for Dumfries, whose speech was listened to with an interest all the greater because it was something fresh after so many weeks spent over a controversy that is already stale, brought in a proposal to enable Town and County

Councils to buy land. Forty-one or 46 Scottish Members—I am not sure which—voted for the proposal, and 12 voted against it. Of 41 Scottish Members 10 were our opponents. But it did not matter whether they were Liberals or Liberal Unionists or Conservatives. They were all voted down, and their opinions were voted out of the Bill by men who did not do us the grace to listen to our arguments—by men who did not even understand the names of those institutions which they were moulding into a shape which was not consonant with the wishes of the people who were to live under them. All I can say about the Local Government Act is this: I had occasion with my hon. Friend on my left (the Lord Advocate) to consider an Amendment in connection with the Local Government Act, and the guiding principle which we found that we had adopted almost unconsciously was in almost all respects to follow the opinion of those Scottish Members, which, when it came before the House, was voted down as if it was the opinion of people who had nothing to do with the business. That single illustration is quite sufficient. It shows the fallacy of this House dealing with Scottish affairs in accordance with the wishes of the Scottish people. I leave it there, and go to the part which refers to the pressure of Public Business. The vice of the last Parliament was ignoring and over-riding Scottish opinion. I have given a good instance of that. I will give another. A unanimous vote was passed in this House to the effect that access to mountains should be given. The Government brought in an Access to Mountains Bill—a capital Bill, enacting that everyone—tourist, wayfarer, traveller, or man of science—should be able to walk over any mountain or deer forest, but he was not to do so from the beginning of August till the beginning of November. That is the way Scottish opinion was regarded in the last Parliament. The evil of this Parliament is that Scotland can get no share in legislation at all. The evil of this Parliament is not, perhaps, a very just expression. This Parliament sympathises very greatly with Scotland, and when it has been able to show that feeling by its vote it has done so. In this Parliament there is a Government which has, I maintain,

done as much for Scotland as for the rest of the country. If I can establish this position, I think I shall strengthen, and not weaken, the argument of my hon. Friend. Because, if in a Parliament which has a kindly feeling to Scotland, and with a Government anxious to give Scotland public time, its business cannot be done, it is quite plain the evil must be cured by certain remedies we have not already got. How stands the case of Scotland? Two Bills are well forward—the Employers' Liability Bill and the Bill for the protection of railway servants. The benefits of the former of these Acts go as much to Scottish workmen as to English. The Railway Servants' Protection Bill is rather more Scottish than English. A Scottish strike brought about the appointment of a Committee, and the appointment of the Committee brought about the Bill. Then, when we come to legislation which is not forward, the Registration Bills for the two countries will go on together; and if the Parish Council Bills for England has had a Second Reading, so has the Fisheries Bill for Scotland. Now, that is the best that can be said, and the best is very bad indeed. ["Hear, hear!" *from the Opposition.*] Yes; and that is the reason why we are going to vote for this Motion. July is nearly upon us, and on no Scottish measure is the Speaker out of the Chair. Private Bills in great numbers, on which Scottish opinion is all but unanimous, which have been waiting many years to be brought forward, either are crowded upon the Notice Paper, or have been withdrawn in despair. There, again, I will spare hon. Members an enumeration of Bills on which Scotland is quite unanimous, which hon. Members, who are quite fit to carry them through, have got in charge, but for which no time can be found. It is quite true that after 12 o'clock there is a chance of passing some uncontested measure, but how is Scotland treated in this respect? I just ask the hon. Member to consider this: There is a Bill brought forward in the interest of Scottish landlords—a Bill which enables Scottish landlords to have the same advantages to borrow money on settled estates for planting which English landlords have had for the last 10 years. Every night, when the Bill is reached



an English landlord gets up opposite, and for no reason whatever that he chooses to give he blocks a Bill in which he has no interest whatever. Like a dog in the manger he refuses to allow that to be done for Scotsmen which he himself has had for 10 years; and his single voice night after night prevents a Bill of about six lines, which Scotsmen would be ashamed to oppose, and which no Scottish Member does oppose, from being passed. When the state of things is that before 12 o'clock no time can be found, after 12 o'clock Bills are objected to *en bloc* without any reference to the value of the question itself. Is it wonderful that Scottish Members, as I think we shall see to-night, find that, under our present Parliamentary system, there is no hope for Scottish Business? It may be said a great measure is passing through the House. Yes, a great measure is passing at the rate of one clause in seven or eight days. That, we are told, is not due to obstruction. I accept the statement. It proves my argument. If it is not due to obstruction; if it is the natural rate at which a great measure should be discussed; if this is the normal and ordinary method of doing all Public Business, then, indeed, Scotland may despair not only in this Session, but every Session to come. Some remedy must be found. If it is not due to obstruction, then Parliament has ceased to be an adequate and effective machine for turning out legislation. When that conviction comes home to the Scottish people they will refuse any longer to try to walk in the old Parliamentary ways, across which there is a board erected with "No thoroughfare" written upon it. If we are not to go on in the old way, what remedy is there for a state of things which is absolutely unendurable? Two plans have been proposed. One was proposed originally in the last Parliament, and obtained a good deal of support—that is to say, a Scotch Grand Committee. My hon. Friend the Member for Dumfries supported that Committee in the shape which would be very effective, for he gave it the power of reading Bills a second time. But I own that in the shape in which he brought it forward it would be no less an important measure than the question of Home Rule itself. Without the power of Second Readings

before that Committee, it would not be a complete remedy, and in it I must say there are two very serious drawbacks. The Scottish Members are Members of this Parliament not only for Scottish purposes, but for Imperial and all purposes; and if their time is to be taken up on the details of Scottish Business in Committee, it will seriously draw them away from their general duties. But that is not all. This House is an important House; but it is not the only House. There is another which is co-ordinate, and has the same amount of power; and in that House of the 16 Scottish Representative Peers I doubt if there is a single one who holds the opinions which in every Parliament are held by great a majority of Scottish Members, and in some Parliaments by an overwhelming majority. But such is the evil plight of Scottish Business that, with a full recognition of its imperfections, the Government will take the earliest opportunity in their power to propose such a Committee, and I believe and trust that so moderate a power will not be strongly resisted.

MR. R. T. REID: Will that be for Second Readings also?

\*SIR G. TREVELYAN: I think I said that would be almost as strong a measure as Home Rule itself. The other remedy is that proposed by my hon. Friend the Member for Caithness. It is no new story. As far back as 1890, at a time of the Session when the House was quite fresh and full (not in a snap Division, because it was an Adjourned Debate), 140 Members of this House voted in favour, not, indeed, of this Resolution, but of its principle. That was a Parliament that was not very fond of progressive Liberal measures. And I know no reason why this Parliament, which takes very much stronger views on Scottish matters than the last Parliament, and, above all, in this Session, which affords such an object-lesson of the personal inconvenience and discomfort, and the immense national disadvantage of an over-concentrated Parliament, this Resolution should not receive a much better hearing. I must say, if I may be allowed to make one remark about hon. Members, that it seems to me there are two consolations in public life. One is the pleasure of seeing Public Business done and good measures carried, and the other the ambition of

taking an honourable part in the Business of the House. Now, so far as Scottish Members are concerned, both of these sources of satisfaction are as much denied them as if they were on a treadmill, instead of in the House of Commons. On the question of Scottish Home Rule the argument in favour of it is the solid fact of the state of Public Business. But the only argument I have heard against it is the words "Home Rule" pronounced in different accents of disapprobation and dissatisfaction. Instead of talking of it as a thing that is not to be considered, if you would only analyse what it means, it is a proposal against which it is very difficult to find an argument. Let us take it to pieces. Is Scotland, I ask, unfit to manage Scottish education? Scotland had a system of education centuries before England—the system on which the true greatness of the country is founded. In 1870, when we first had popular education in England, to what countries did we look for an example? To Saxony and Switzerland, both with smaller populations than Scotland. Yet we had at our doors a country which for 300 years had a system of education worthy to rank with that of Saxony and Switzerland. And what do we say to that nation? Last Session it was proposed by Scotchmen that 15 should be the age at which children should leave school. There was a majority of two to one of Scottish Members in its favour; but Parliament said, "No; English Members know better than you; 14 shall be the age," and 14 it is. Is Scotland less able to manage its own Universities? I suppose that for every young man in England, in proportion to the population, who goes to the University there are about six Scottish lads who go. The interest taken by the people in the Universities is immense; yet when we come to legislate for the Universities, Scottish opinion is over-ridden by Englishmen, and I do not believe there is 1 in 20 of the English Members who know the difference in constitution and character between the *Senatus* of a Scotch University and the Senate of Cambridge. Is Scotland not able to manage her own local affairs? Look at Glasgow. Look at what a splendid instance the Scottish Municipalities are

when they get a free hand; yet this Parliament insisted, against the will of the enormous majority of Scottish Members, upon the parishes of Scotland and the entire treatment of the poor being managed by Boards which in their composition are semi-ecclesiastical and almost worthy of the Middle Ages. And on the question of county government, Scotland is in no respect allowed to have her own way. Does Scotland not understand—and I say more, does any other section of mankind even pretend to understand—Scottish Church matters, and Scottish ecclesiastical arrangements, and (what is more important to Scotchmen) their inner feelings and sentiments on questions of religious conscience and religious duty? In those debates which so deeply interest Scotchmen—the debates of their General Assemblies and their Synods, who but Scotchmen could take part, and who but a Scotchman, unless he had spent weeks and even months in reading up Scotch history and books of doctrine, could follow them with the slightest advantage or intelligence? Hon. Members opposite are very much afraid of Home Rule being given to Ireland for fear of a Church being disestablished or disendowed, or a Denominational College set up. They need not fear that with regard to Scotland. In this very Parliament, by 35 to 14, the Scottish Members have declared in favour of religious equality. I really think hon. Gentlemen opposite who cheer me will not be prepared to maintain that their own countrymen—the countrymen of Chalmers and Guthrie—are not fit to manage their own ecclesiastical affairs. And once more, when we consider that Scotland has led the van in temperance legislation, and how well it knows its own mind on that subject, why should not Scotland have the care of the morality and order of her own streets and her own villages? Norway is held up as an example of liquor legislation, yet Norway has a population not one-half that of Scotland, and why should not Scotland have the same power which Norway has of regulating a question which she has proved she understands much better than England? Recently Scottish Members supported a Bill for the closing of public-houses at 10 o'clock. The very powerful Government which lately was in Office opposed

that Bill; but in a cardinal Division in this House the Bill was supported by 29 Scottish Members, including a great number of Conservatives, while only three voted against it. The Bill went up to the Lords, and the Lords took away from the large cities the power of closing public-houses—a power which has since been used by every Municipality in the country which has the liberty to use it. It is a monstrous thing to put such a nation as Scotland in leading strings on such a question as temperance. Let hon. Members show that Scotland cannot with advantage to herself and with safety to the Empire be entrusted with her own municipal, ecclesiastical, and educational legislation, and then we will vote against this measure. But by the bugbear of the name of Home Rule you will not ultimately frighten the Scottish people from supporting a measure for which they are perfectly fit, and a measure on which, as Session after Session with their melancholy experiences go by, they are more set than ever. The last utterance of the Prime Minister relating to Scotland was made at Edinburgh on the 30th of June last.

\*SIR H. MAXWELL: My quotation was the 6th of July.

\*SIR G. TREVELYAN: I do not think that the hon. Baronet's quotation went to the root of the question at all. The Prime Minister, speaking of the Irish Bill, said, for himself and his colleagues—

“The fourth condition was—and here we have Scotland specially in view—that no principle should be laid down for Ireland with respect to which we were not to admit that Scotland, if she thought fit, was entitled to claim the benefit.”

That cannot be construed into an undertaking immediately, at once, and irrespective of the great task which daily and nightly we have before us, and the tremendous difficulties under which it is being carried on, to take Scottish self-government in hand; but it is a pledge that the movement for Irish self-government shall not close the way, but shall smooth and pave the way for Scottish self-government, if the Scottish people want it. And it is a pledge, and an absolute pledge, that Scotland shall not be refused that which Scotland asks. But does Scotland desire to obtain it? In the words

of the Prime Minister, does she “claim the benefit?” I, for my own part, am heartily glad that the Motion of my hon. Friend, so far as the Government is concerned, is an open question. Personally speaking, I have seized every opportunity I could find to give my vote in favour of a generous measure of self-government for Scotland, and I certainly shall not lose that opportunity to-night. And I earnestly trust the Division will show that such and no other is the opinion and the wish of the great majority of those whom Scotland has commissioned to speak in her name at Westminster.

\*SIR C. PEARSON (Edinburgh and St. Andrews Universities): Up to a certain point, I believe, we are all agreed regarding the matter under discussion. We all regret, whatever Government is in power, that Scottish Business does not get along faster than it has been in the habit of doing of late years, but I have heard the same complaints with regard to English and Welsh Business. The question before the House now is very far beyond the mere question of whether there is a grievance of the nature I have indicated. There is no doubt whatever that the Resolution of the hon. Member for Caithness does introduce an important and serious organic change in the Constitution of the country. The questions the House has to deal with are these—first, whether there is a grievance existing which cannot be remedied otherwise than by such a drastic proposition as that of the hon. Member; and, secondly, whether there is such a consensus of opinion in Scotland as to constitute a demand from Scotland in favour of the proposal now before the House? I entirely dispute both the one proposition and the other. The Secretary for Scotland used a familiar rhetorical device when he asked us to take Home Rule to pieces, and, holding up the pieces one after another, asked the House whether Scotsmen were not capable of managing their own local affairs. Of course, we all think that Scotsmen are capable of managing their own local affairs; but that is not the question. The question is, whether the grievance upon which alone the right hon. Gentleman founded himself—to wit, the congestion of Public Business—demands a remedy of the nature of a Scottish Legislative Body? Now there I am entirely

at issue with the right hon. Gentleman ; and I do not believe, when I come to the second part of my remarks, there will be any dispute that the evidence which is laid before the House is grievously insufficient to demonstrate that there is any demand for such a Legislative Body in Scotland. The Resolution speaks of the failure of this House to promote Scottish Business. I have already admitted that there is a grievance in this direction, although the causes attributed for that grievance have varied very much in the speeches of hon. Members. Again, I think that a considerable part of the remarks of the right hon. Gentleman was taken up with reminding us that according to the constitution of the House, being a Parliament for the United Kingdom, the Members for each part of the United Kingdom are entitled to vote according to conviction or Party allegiance, as the case may be, upon any matter, either Imperial or local, which comes up for the decision of Parliament. Now, I do not dispute that the hon. Member for Caithness may have a certain amount of logical backing for his argument that there should be Home Rule all round, but that is not the position of the right hon. Gentleman. We have not heard a single word about a Home Rule Parliament for England, and I venture to say that the absence of that suggestion on the part of the Government leaves this question in a position of the utmost difficulty and uncertainty, and renders it impossible for them to carry out, bit by bit, and piecemeal, the policy which is indicated in this Resolution in the three or four parts of the United Kingdom. I am not going to enter into the comparison which the right hon. Gentleman has invited between the amount of Scotch Business in the present and in the last Parliament. In my opinion, the last Parliament has a record for Scottish Business completed, and well done, which will bear favourable comparison with any Parliament that existed for the same time, and I, for one, do not recognise the picture drawn by the hon. Member for Caithness of Scottish legislation, positive and negative, passed and not passed, during the last six years. What is certain is that the block is now absolute. That is admitted by the right hon. Gentleman. The hon. Member for Caithness says it is due to the failure of the House to deal with

Scottish affairs in accordance with the wishes of the Scottish people. I do not want to impute anything to Her Majesty's Government ; but it is notorious that, *primâ facie*, the Government have the disposal of the Business of the House, and, what is more, this Government have the disposal of the whole time of the House. That, Sir, is an incident in the present situation which does not apply at all to the Parliament which finished in the month of July last. That seems to me to differentiate the present situation altogether from that of the last six years ; and I will ask the hon. Members for Caithness and for the Dumfries Burghs who is to cast the first stone at this House for failing to get on this Session with Scottish Business ? Is it to be those Members who supported the Government in their demand for the whole time of the House, public and private ? Remedies have been suggested for this deadlock, and amongst them the minor remedy has been proposed by the other side of the House of the appointment of a Committee of Scottish Members in order to carry through certain preliminary stages of Scottish legislation. It is an interesting fact to note that this is by no means the first time that that proposal has been brought forward in this House ; but never yet—although the Leaders of the Liberal Party have always shown a kind of hesitating approval of that proposal—have they committed themselves to appoint any such Committee, and the reason is simple. A demand for such a Committee, which would represent not the majority and minority of the House but of the Scottish representation, would immediately be followed by a demand for a similar Committee for England ; and what would be the position of a Liberal Government committed to the appointment of such a Body for the earlier stages of Bills for Scotland, and yet harking off from the appointment of a similar Committee for England, for the sole reason that there they know they are in a substantial minority ? Now, there is another remedy which the late Government pledged themselves to, for which I think a great deal can be said, and which I hope will some day be carried into full effect. Whatever the hon. Member for North Aberdeen might say of it, it seems to me one of the strongest possible steps

that can be taken in the direction in which this Resolution points; and, what is more, it is a step which has been thoroughly canvassed among Public Bodies and meetings in Scotland, and the public opinion of Scotland is pretty nearly unanimous in favour of it. The last Government introduced more than once a proposal for the appointment of a tribunal—call it what you will, for the purpose of relieving this House of the Private Bill legislation of Ireland and Scotland; and I venture to say that if that were carried out, it would be not only a relief to this House, but it would give Scotland all, or almost all, she wants and can fairly demand in the direction of this Resolution. As this is very germane to the question of Home Rule, perhaps I may be allowed to read just a few lines from a speech that was made in 1889 in Glasgow by a prominent Scotchman of whom we are proud and a leading Member of the present Government—Lord Rosebery. I am not quite sure whether he is in very good odour with Scottish Home Rulers. I have reason to think he is not, from a somewhat careful study of the literature of the question. What Lord Rosebery said on that occasion, when presiding over the National Conference of Liberal Associations, was this—

“The question of Scottish Home Rule resolves itself into a question of degree. You must know exactly what you want, and then proceed by degrees. The first question is, I believe, to get your Private Bills attended to on the spot. At present they have to go to London, and meet with very expensive and inconsiderate treatment there. When you have once got your Private Bill legislation localised in Scotland, then, in my opinion, it will be time enough to settle the question with regard to your Public Bills.”

Now these are reasons why, I think, the grievance by no means demands the remedy proposed. I am not going to examine that remedy itself, because the House has been taking Home Rule to pieces very much indeed during the last four weeks, and we have been considering the question of what a Legislature in one of these separate Kingdoms ought or ought not to do. My point as to devolution is that you can have the principle of devolution without devolving upon a Legislature. I should have liked to know, further, whether this Legislature is to carry with it a Scottish Executive, because unless we have an “Aye” or “No” as regards the

existence of a Scottish Executive, then we are all speaking in the dark, and we do not know what the real objections may be. I take note that nothing is said about the existence of a Scottish Executive in the proposals, and that mention of it is entirely omitted from the Resolution. I shall, before I sit down, very briefly give a few facts in reference to the supposed existence of feeling in Scotland on this subject. The hon. Member for Caithness asked, in a pertinent and somewhat plaintive manner, why have the Liberal Leaders given no aid to this Scottish Home Rule movement, but have, on the contrary, done their best to crush it? I think I can tell him why. I have suggested one or two reasons why the Liberal Leaders do not look kindly in the direction of this Home Rule movement in Scotland, but I think an additional reason is this: that they do not believe in the reality of the movement as representing Scottish public opinion. Where are the usual expressions of public opinion and feeling on the question? Are the expressions of public opinion to be found in public meetings? [*Ministerial cries of “Yes!” and “Elections!”*] I am prepared to dispute altogether the view that the question was a crucial one at elections. It is the easiest thing for a man to ask questions about Home Rule for Scotland, and for another to make answers, without having this Resolution, or anything approaching it, in the mind of the one or the other. But how does this question stand in Parliament itself? Is there within this Imperial Parliament any evidence of the existence of this public feeling in Scotland? Why, in 1891, as the hon. Member frankly reminded us, the question when it came up was counted out. Positively this body of 40 or 45 Scottish Home Rulers could not get enough of their own number, in addition to those whose duty it was to be here, to make and keep a House on the question. Last year it may be in the recollection of the House that for the first time a Bill of an extremely interesting nature was tabled, and the same fate was met by this Bill as was met by the Resolution of the previous year—that is, it was counted out. There is one interesting point about the count out on the hon. Member for Aberdeen's Bill of last year which bears so closely upon the subject

we are now discussing that I should like the House to be aware of it. The Bill was practically on the lines of the Irish Home Rule Bill of 1886, adapted to Scotland. It was counted out on the Second Reading stage after a speech of the hon. Member for Aberdeen himself. What use does the House think was made of that in Scotland during the past year, and in particular by a body of whom I shall have something to say presently, and of which the Member for Caithness is President—namely, the Scottish Home Rule Association, where one might expect to look for the crystallisation of opinion on this subject? I hold in my hand one of the publications of that Association, which deals with the Bill of the hon. Member for North Aberdeen, whose name I see as one of the Vice Presidents of the Association, but who, I hope, has not been aware of this mode of dealing with the count out. It is dealt with thus—

“Without inquiring too minutely who was responsible for the success of this manœuvre, it furnishes one other illustration of the neglect of Scottish Business which has rendered the present Bill necessary.”

And, therefore, forsooth, hon. Gentlemen, Scottish Home Rulers, by neglecting Scottish Business themselves, are thus to furnish the evidence of that grievance which they are to cure. I mentioned the absence of ordinary evidence outside Parliament of the existence of any public feeling on this question. I know there is a good deal of literature on the subject, and we have been reminded lately by one—I do not know whether he is a Scottish Home Ruler, I should think from the article from his pen that he has ceased to be so—but the hon. Member for East Edinburgh, in an article he wrote in the month of January, told us that the Scottish Home Rule Association was at its wits' end to raise money for the purpose of its propaganda and literature. This Association boasts of having as its members a large majority of the Liberal Members of Scotland, and in an appeal which is signed by the Treasurer of the Association there is this statement—

“But the grounds—historical, financial, social, and political—on which the demand of Scotland for Home Rule is based, require still to be explained to many electors, so as to disabuse their minds of ignorance and prejudice, and to satisfy the great body of the people that the proposed change is necessary and would be beneficial.”

When the only Association, so far as I know, which exists for the promotion of this object grounds its appeal for funds on a desire to enlighten and satisfy the body of the people that the proposed change is necessary and would be beneficial I did not think it too strong for us to say that, at the present moment, the great body of the people are not satisfied either of the benefit or of the necessity. I observe that one of the members of this Association is the hon. Member for Peterborough, to whom we are all indebted for the great interest which he has developed in Scottish affairs. He is one of the Vice Presidents of the Society, and he is responsible, I think, for the statement that this Scottish Home Rule movement had made the Irish Home Rule movement respectable.

\*MR. A. C. MORTON (Peterborough): I never made any such statement. That statement was made by an English Tory to me.

\*SIR C. PEARSON: It was certainly repeated by the hon. Member without any symptom of disapproval. I think there is one thing we are entitled to ask from the Scottish Home Rulers, and that is that they should try to agree among themselves as to what they want. All good Home Rulers, we know, find a difficulty in doing that. There are certain statements which have been made with reference to the Leaders of the Liberal Party and the bulk of the Liberal Party, and which demonstrate this: that although the Scottish Home Rule movement, so far as one can see in the public papers, holds itself aloof from Party politics, yet it does not very well know its own mind with reference to who are friends and who are not. I observe, for example, at a meeting in Dumfries of the Scottish Home Rule Association, presided over by the hon. Member for Caithness, one of the chief officers, in moving the adoption of a manifesto to the electors, said—

“Who were these men who were standing between Scotland and her National rights? They were Mr. Marjoribanks, the Liberal Whip, the Earl of Elgin, and the Earl of Rosebery. The part that Mr. Marjoribanks played was to make their cause ridiculous in the House of Commons.”

It is a great pity the Member for Berkshire is not here. We should have liked very much to have heard his ex-

planation of that allusion, and whether he accepted it or not. There is one other statement I cannot refrain from quoting here. It occurs in a pamphlet which has been printed in the offices of the Scottish Home Rule Association, and freely circulated at the end of last year. The pamphlet deals with the impossibility of taking the Prime Minister to task during his election campaign in Midlothian, and states that in an address submitted to him by certain of the Midlothian electors they had put this question, among others, to the right hon. Gentleman—

"If returned to power, will you give Home Rule to Scotland as fully as to Ireland and at the same time?"

The writer said—

"The way in which the Grand Old Manager dealt with these questions was one of the finest examples of his electioneering subtlety. But the verbosity to which he resorts on such occasions forbids quotation from his speech. . . . The only remedy he proposed was that the Scottish people should return a Liberal majority, in which case our M.P.s would not be outvoted on Scottish questions by English Tories. But this would only be doing similar injustice to our English neighbours, who are mostly Tories, and would then be outvoted on English questions by Scottish, Welsh, and Irish Liberals."

The pamphlet to which I have referred goes on to say—

MR. PAUL (Edinburgh, S.): Who is the author of the pamphlet?

SIR C. PEARSON: The author is the General Treasurer of the Scottish Home Rule Association.

MR. PAUL: Who is he?

SIR C. PEARSON: I am surprised that any Scottish Home Ruler should not know the name of the Treasurer of his Association. The name on the face of the pamphlet is "W. Mitchell, Hon. General Treasurer of the Scottish Home Rule Association," and at the foot of the page are these words, "Offices of the Scottish Home Rule Association." This same pamphlet goes on thus—

"But Mr. Gladstone is still the manager from London, and our Scottish Company have not been slow to follow his lead. Dr. Hunter, one of the ablest of them, had brought in last Session a Scottish Home Rule Bill—not a bad imitation of the Irish Bill of the G.O.M. The Scottish Home Rule Members who might have secured it a reading, had their sincerity been equal to their numbers, allowed it to be counted out. Since the Dalkeith speech"—that is the speech which has been referred to as unquotable—"the author of the Bill has dropped it like a hot potato."

Sir C. Pearson

There are difficulties which I have not even adverted to in the way of the proposal which, if it were to be seriously made, would require to be seriously argued out. I have mentioned the difficulty from the English point of view, and that appears to me to be the kernel of the difficulty which hon. and right hon. Gentlemen opposite have to meet. They have to consider, on the part of the Liberal Party, the inexpediency of letting go the Scottish Liberal vote. In speaking in Edinburgh on the 2nd December, 1886, the present Chief Secretary dealt with the subject of Scottish Home Rule. At that date the Irish Home Rule Bill, which held the field, provided for the exclusion of the Irish Members from Westminster; and the way in which he put the matter is very well stated in an address to the people of England, which has recently been published by the Scottish Home Rule Association—

"Why, then, is this obvious way out of a great difficulty not embraced by the Liberal Party? Because they are seeking a Party advantage at the expense of England. It was for this reason that Mr. Morley, at Edinburgh, in December, 1886, cursed Home Rule for Scotland. He said: 'I only ask myself, supposing that the Scottish Liberals were to be by any calamity withdrawn from the Legislative Body when the affairs of England—poor England!—are transacted, I ask myself how we should fare without you? And I, for one, am not at all willing to lose the advantage of the noble Liberalism of Scotland.'"

"This, in plain terms, means that the Scotch voters are to be used to coerce the people of England. We venture to say there is not an honest Englishman alive but would scorn to call in foreign aid to enable him to domineer over his own countrymen."

My reason for referring to the remarks of the Chief Secretary at Edinburgh is to show that the Association which professes to gather up Scottish opinion on this question repudiates his suggestion as unworthy. Well, now, Mr. Speaker, there are many other difficulties to which I might refer; but I shall merely touch upon one—and that is, the question of finance. I cannot but congratulate the Member for Caithness in having on his side a Government which has had ample experience as to the financial side of Home Rule. You say that the financial relations of the two countries ought to be re-adjusted. It appears to me that the financial relations between England and Scotland might be cleared up without going the length of granting a separate

Legislature. I think you can have your roast pig without burning your house down. But are hon. Members opposite aware of the magnitude of this subject? It has been shown by the authority I have quoted that Scotland has been overtaxed as compared with the rest of the United Kingdom to the extent, in 30 years only, of £92,684,000, and during the same period Scotland has been underpaid to the extent of £39,000,000 more. So that the Government, before approaching this question, would have to recoup £131,000,000. This slightly indicates the difficulties that lie in the way, and I shall look with interest to see how the Government propose to deal with the matter.

DR. HUNTER (Aberdeen, N.) said, he regretted the tone of the speech of the right hon. Gentleman who had just sat down. He regretted that in a question so serious he should have descended to trivialities, and many personalities which were beneath contempt. He (Dr. Hunter) had seen three Governments in that House—two Liberal and one Conservative. When the Tories were in Office the Scotch Members were outvoted, and they were refused the measures they desired. When the Liberals were in Office they were not outvoted; they were overlooked. Therefore, whether it was a Liberal or a Tory Government, it was much the same thing to Scotland. No one could say the wants of Scotland could ever be satisfied by the House of Commons. He should have thought a review of the financial relations of Scotland and England furnished one of the strongest arguments for Home Rule. When a Committee was once appointed on the subject, it met and appointed a Chairman and never met again; but Returns were furnished giving information that had formerly been denied. During the last three years Scotland had overpaid to the Imperial Exchequer no less than £4,000,000; and the worst charge of Scotch Members against the present Government was that it had not appointed a Committee to go into the question. There was no reason why such a Committee should not be appointed now, and he, for one, would be satisfied with its verdict. Home Rule for Ireland necessarily involved Home Rule for England and Scotland; and no solution of the

question would be satisfactory that did not extend the principle of devolution to all parts of the Kingdom.

MR. THORBURN (Peebles and Selkirk) said, it had been pointed out that the state of Scotch Business was very unsatisfactory, and that they could not deal with it in that House. It was said, also, that the Scottish Members over-ruled the English Members in the House on matters that were purely Scotch. Had not the English Members the same reason to complain of over-ruling? For his own part, he was opposed to Home Rule root and branch, whether for Scotland, England, or Ireland—more particularly if it was accompanied with an Executive. He thought it should be the duty of every Government ruling a nation such as this, composed of different nationalities, to endeavour to make that United Kingdom a homogeneous nation rather than emphasise nationalities, and thereby instigate disintegration. The hon. Member for Aberdeen (Dr. Hunter) had referred to unfair taxation of Scotland. He would give the hon. Member all the aid he could to remedy that state of things; but if they had a Scottish Parliament established the hon. Member would find that if the taxation under it was not unfair it would in all probability prove excessive, because the expenses of administration must necessarily be great. As he had said, the only complaint he had heard about their Local Government Bill was that it had very nearly doubled the rates in Scotland. They were told that Scottish Business was neglected. Well, he would suggest a remedy. Let them boycott all Irish questions in this House for the next five years. By that means he thought they would get Scottish Business attended to. If it ever became a practical question they would find a decreased number of Gladstonian Liberals and a majority of Unionists returned to that House. He thought the last Election in Scotland was a pretty good indication of what the opinion in Scotland was. They were told that Home Rule was progressing in Scotland. He asserted, with confidence, that the question had not for a single moment been seriously considered by the electors of Scotland. The majority of Scottish Members were said to be pledged to Home Rule; but the hon. Member for East Edinburgh (Mr. R. Wallace) said that a number of



the Members on these Benches were prepared to swallow anything. He thought the majority of Scottish Members would be prepared to swallow Home Rule, Disestablishment, or anything else if they thought it would secure them a few votes. They were told by the Secretary for Scotland that the Church question was the one upon which the majority of Scottish Members were returned to that House. He hoped they should have an opportunity of testing that question in Scotland, and he ventured to say when it was tested that the fate of that measure would be as unsatisfactory to those who supported it as would be the Home Rule question. He sincerely hoped the House would record an emphatic protest against the Motion of the hon. Member for Caithness.

MR. A. GRAHAM MURRAY (Bute-shire) said, it was quite evident that he would have no time to deal adequately with this question, in which they were all so much interested; but he would take advantage of the few minutes left him to call attention to the extraordinary attitude of the Government to-night. It was all very well for the Secretary for Scotland to come down here and tell them that he would speak clearly on the subject. What they wanted to know was the attitude, not of the men of sentiment in the Government, but of the men of action. The last time the Prime Minister took part in the Debates in the House on this question he said—

"I admit that a sentiment, as yet vague and unformed, but of considerable extent, has grown up in Scotland of late years with considerable rapidity in favour of something which is represented in the minds of those who consider it under the name of Home Rule."

The Prime Minister said—

"This subject is one, we know in the Irish case, which involves large and numerous matters of detail. I doubt whether the mind of the House of Commons, or even of the country, sufficiently realises the amount of complicated and varying details which are associated with this question."

They had had an object-lesson in this during the past six weeks. They knew how difficult their Constitution-mongering was. Whatever might happen by Home Rule, they knew at least this Imperial

*Mr. Thorneburn*

Parliament valued the traditions of their united Parliament, and he, standing there as a Scotchman, respectfully protested against having their share in these traditions taken from them.

Sir J. Carmichael rose in his place, and claimed to move, "That the Question be now put;" but Mr. Speaker withheld his assent, and declined then to put that Question.

Debate resumed.

MR. GRAHAM MURRAY said, that he, for one, should certainly not be a party to dividing up the heritage of an Imperial Parliament for any miserable Parliament that might be offered in its stead. It was all very well for the hon. Member to say that he was exalting Scotland to a nation; the truth was, the hon. Member was degrading her to a parish.

Question put.

The House divided:—Ayes 168; Noes 150.—(Division List, No. 169.)

Main Question again proposed, "That Mr. Speaker do now leave the Chair."

Motion, by leave, withdrawn.

SUPPLY,—Committee upon Monday next.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 2) BILL.—(No. 258.)

Lords Amendments agreed to.

WATER PROVISIONAL ORDERS (No. 2) BILL.—(No. 338.)

As amended, considered; read the third time, and passed.

WATER PROVISIONAL ORDER (No. 3) BILL.

As amended, considered; read the third time, and passed.

LABOURERS (IRELAND) ACTS (EXTENSION TO FISHERMEN) BILL.—(No. 350.)

Read a second time, and committed for Monday next.

House adjourned at a quarter after Twelve o'clock, till Monday next.

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# I N D E X

TO

## THE PARLIAMENTARY DEBATES

(AUTHORISED EDITION).

### VOLUME XIII. FOURTH SERIES.

SIXTH VOLUME OF SESSION 1893.

#### EXPLANATION OF ABBREVIATIONS.

|                                                                                                                                                                 |                                                                                                                             |                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Bills, Read 1 <sup>st</sup> , 1 <sup>o</sup> , 2 <sup>o</sup> , 2 <sup>o</sup> , 3 <sup>o</sup> , 3 <sup>o</sup> .<br>Read the First, Second, or<br>Third Time. | A. Answers.<br>c. Commons.<br>Com. Committee.<br>com. Committed.<br>Intro. Introduction.<br>l. Lords.<br>Obs. Observations. | Pres. Presented.<br>Q. Questions.<br>Rep. Reported.<br>R.P. Report Progress.<br>Reso. Resolutions. |
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| Adj. Adjourned.                                                                                                                                                 |                                                                                                                             |                                                                                                    |

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| ARMY                    | INDIA                  | NAVY        |
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**(No. 3)**

1. Read 2<sup>d</sup> *June 13, 881*; *June 19, 1310*  
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Read 3<sup>d</sup>, and passed *June 22, 1633*

**(No. 4)**

- c. Read 3<sup>d</sup>, and passed *June 2, 100*  
1. Read 1<sup>st</sup> *June 5, 180*  
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**(No. 5)**

- c. Read 3<sup>d</sup>, and passed *June 2, 100*  
1. Read 1<sup>st</sup> *June 5, 180*  
Read 2<sup>d</sup> *June 13, 880*  
Com.; Reported; Standing Com. negatived  
*June 16, 1177*  
Read 3<sup>d</sup>, and passed *June 19, 1310*

**(No. 6)**

- c. Read 2<sup>d</sup>, and committed *June 6, 402*  
Reported *June 15, 1156*  
Read 3<sup>d</sup>, and passed *June 16, 1276*  
1. Read 1<sup>st</sup> *June 19, 1309*

**(No. 7)**

- c. Read 2<sup>d</sup> *June 6, 402*  
Reported *June 15, 1156*  
As amended, Con. *June 16, 1276*  
Read 3<sup>d</sup>, and passed *June 19, 1427*  
1. Read 1<sup>st</sup> *June 20, 1460*

**(No. 8)**

- c. Read 2<sup>d</sup> *June 13, 980*  
Reported *June 20, 1564*  
Read 3<sup>d</sup>, and passed *June 21, 1628*  
1. Read 1<sup>st</sup> *June 22, 1634*

**(No. 9)**

- c. Read 2<sup>d</sup> *June 9, 695*  
Reported *June 16, 1277*  
As amended, Con. *June 19, 1427*  
Read 3<sup>d</sup>, and passed *June 20, 1564*  
1. Read 1<sup>st</sup> *June 22, 1634*

**Local Government Provisional Order Bills****(No. 1)**

1. Read 2<sup>d</sup> *June 12, 761*  
Com.; Reported: Standing Com. negatived  
*June 13, 881*  
Read 3<sup>d</sup>, and passed *June 15, 1047*

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1. Com.; Amendts. made; Standing Com. negatived *June 16, 1177*  
Amendts. reported *June 19, 1310*  
Read 3<sup>d</sup>, and passed *June 20, 1460*  
c. Lords Amendts. agreed to *June 23, 1760, 1864*

**(No. 3)**

1. Read 2<sup>d</sup> *June 12, 761*  
Com.; Standing Com. negatived *June 13, 881*  
Read 3<sup>d</sup>, and passed *June 15, 1047*

**(No. 4)**

1. Read 2<sup>d</sup> *June 12, 761*  
Com.; Standing Com. negatived *June 13, 881*  
Amendts. reported *June 15, 1047*  
Read 3<sup>d</sup>, and passed *June 16, 1177*  
c. Lords Amendts. agreed to *June 20, 1563*;  
*June 22, 1633*

**(No. 5)**

1. Read 2<sup>d</sup> *June 12, 761*  
Com.; Standing Com. negatived *June 13, 881*  
Amendts. reported *June 15, 1047*  
Read 3<sup>d</sup>, and passed *June 16, 1177*  
c. Lords Amendts. agreed to *June 20, 1563*;  
*June 22, 1633*

**(No. 6)**

- c. Reported *June 6, 403*  
Read 3<sup>d</sup>, and passed *June 7, 464*  
1. Read 1<sup>st</sup> *June 8, 492*  
Read 2<sup>d</sup> *June 23, 1761*

**(No. 7)**

- c. Reported *June 21, 1628*  
As amended, Con.; Read 3<sup>d</sup>, and passed  
*June 22, 1748*  
1. Read 1<sup>st</sup> *June 22, 1634*

**(No. 8)**

- c. Reported *June 21, 1628*  
As amended, Con.; Read 3<sup>d</sup>, and passed  
*June 22, 1748*  
1. Read 1<sup>st</sup> *June 22, 1634*

**(No. 9)**

1. Read 2<sup>d</sup> *June 12, 761*  
Com.; Standing Com. negatived *June 13, 881*  
Amendts. reported *June 15, 1047*  
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c. Lords Amendts. agreed to *June 20, 1563*;  
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**(No. 10)**

- c. Reported *June 6, 403*  
As amended, Con. *June 7, 464*  
Read 3<sup>d</sup>, and passed *June 8, 604*  
1. Read 1<sup>st</sup> *June 9, 635*  
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*June 20, 1459*  
Read 3<sup>d</sup>, and passed *June 22, 1633*

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**(No. 11)**

- c. Reported *June 6*, 403  
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- l. Read 1° *June 9*, 635  
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- c. Read 2° *June 6*, 402  
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- l. Read 1° *June 22*, 1634

**(No. 14)**

- c. Read 2° *June 6*, 403  
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Read 3°, and passed *June 16*, 1276
- l. Read 1° *June 19*, 1309

**(No. 15)**

- c. Read 2° *June 6*, 403  
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- l. Read 1° *June 20*, 1460

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- c. Read 2° *June 6*, 403  
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- l. Read 1° *June 22*, 1460

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- l. Read 1° *June 22*, 1635

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**Bill**

- l. Read 2° *June 12*, 761  
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- c. Read 2° *June 6*, 402  
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- l. Read 1° *June 20*, 1460

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- c. Select Com. nominated *June 6*, 402  
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- l. Read 1° *June 20*, 1460

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**PAGET, Sir R. H., *Somerset, Wells***  
Swine Fever, Res. 1498, 1499  
Teachers' Superannuation, 516, 517

**Palmistry**  
Q. Mr. A. C. Morton; A. Mr. Asquith June 16,  
1188

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## Parliament

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*Selection*—(Standing Committees)—Reports  
June 2, 34; June 13, 882; June 20, 1461

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June 19—Sir Frederick Sleigh Roberts,  
Baronet, G.C.B.; G.C.I.E.;  
V.C.; General and late Com-  
mander of Her Majesty's Forces  
in India, created Baron Roberts  
of Kandahar in Afghanistan,  
and of the City of Waterford  
Sir Henry Hussey Vivian  
Baronet, created Baron Swansea  
of Singleton, in the County of  
Glamorgan June 19, 1281

**Peerages—Members Voting in the House**  
**of Commons (see under Commons**  
**—Members—Sir H. Vivian)**

**Representative Peers for Ireland**

*Earl of Drogheda's* Right to Vote established  
June 15, 1041  
Certificate Ordered June 16, 1281

**Sat First**

June 16—Lord Petre, after the death of  
his brother  
June 19—The Lord Mowbray, after the  
death of his father  
June 22—Earl of Winton, after the death  
of his brother

**Sessional Orders**

Res. (Earl of Kimberley) June 23, 1751

**Took the Oath**

June 12—Lord Brougham and Vaux  
June 20—Earl Annesley  
June 22—Viscount Bolingbroke and St.  
John

**PARLIAMENT—cont.****COMMONS—****Business of the House and Public Business**

June 5—Qs. Mr. S. Leighton, Viscount Cranborne, Mr. Bartley, Mr. Theobald, Mr. A. Gibbs; As. Mr. W. E. Gladstone, 200

June 8—*Twelve o'Clock Rule*, Q. Mr. W. Redmond; A. Mr. W. E. Gladstone, 540

June 9—*Continuous Session*, Q. Mr. Picton; A. Mr. W. E. Gladstone, 656

June 15—*Balloting and Notice Giving*, Qs. and Obs. Major Rasch, Mr. J. E. Ellis, Mr. Speaker, 1078

June 19—*Government of Ireland Bill, Progress of, &c.*, Qs. Mr. A. C. Morton, Dr. Macgregor, Mr. Macfarlane; As. Mr. W. E. Gladstone, 1349

June 20—*Army Estimates*, Qs. Captain Naylor-Leyland, Mr. Hanbury; As. Mr. Woodall, 1479

June 22—*Army Estimates*, Q. Mr. Hanbury; A. Mr. Woodall, 1680

**Committees**

*Public Accounts*, Report June 15, 1156

*Public Petitions*, Reports June 7, 464; June 15, 1156; June 21, 1628

*Selection (Standing Committees)*, Reports June 2, 101; June 6, 403; June 20, 1461

**Members**

*Chamberlain, Mr. J.* (see sub-heading *Privilege*)

*Franking Members' Letters*, Qs. Mr. Bodkin, Mr. H. Heaton; As. Mr. A. Morley June 16, 1191; Qs. Mr. Bodkin, Dr. Macgregor, Mr. Macfarlane, Mr. Hogan; As. Mr. A. Morley June 19, 1341

*Jackson, Mr.*, Personal Explanation June 5, 209

*Morley, Mr. Arnold, Alleged Charges against*, Qs. Obs. Mr. K. Hardie, Mr. Asquith, Mr. Sexton, Mr. T. M. Healy, Mr. Darling, Mr. Speaker June 6, 329; Q. Mr. Darling; A. Mr. A. Morley June 13, 906

*Representation of the House of Commons at the Royal Wedding*, Qs. Mr. A. J. Balfour; As. Mr. W. E. Gladstone June 15, 1077; June 19, 1351

*Sexton, Mr.—Reported Resignation*, Q. Mr. Darling; A. Sir W. Harcourt June 12, 797

*Title of "Honourable,"* Q. Mr. Theobald; A. Mr. W. E. Gladstone June 19, 1352

*Vivian, Sir Hussey—Peerage and Voting in the House*, Qs. Sir C. Dalrymple, Mr. Theobald; As. Mr. W. E. Gladstone June 6, 332; Q. Mr. Theobald; A. Mr. Speaker June 8, 540

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June 22—Williams, Mr. W., for the Swansea Division of Boroughs

**PARLIAMENT—Commons—cont.****New Writs Issued**

June 5—For Linlithgowshire, v. Peter M'Lagan, Esq., Manor of Northstead

June 13—For Swansea District, v. Sir H. H. Vivian, Baronet, now Lord Swansea, called up to the House of Lords

June 19—For Pontefract, v. Harold J. Reckitt, Esq., Void Election

June 20—For County of Cork (North Eastern Division), v. Michael Davitt, Esq., Chiltern Hundreds For County of Cork (South Eastern Division), v. John Morrogh, Esq., Chiltern Hundreds

**Parliamentary Debates**

*Report of Select Committee*, Q. Mr. Dalziel; A. Sir J. T. Hibbert June 23, 1782

*Message from the Lords for copy of Report* June 13, 880

**Parliamentary Elections (see that title)****Parliamentary Returns, Distribution of**  
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**Questions**

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*East Fife Central Railway Bill* June 16, 1280

*Private and Provisional Order Bills* June 9, 738; June 12, 761, 868; June 16, 1279

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*Division Lobbies*, Q. Mr. Knatchbull-Hugessen; A. Mr. Shaw Lefevre June 19, 1344  
*Electric Lighting*, Q. Mr. Jeffreys; A. Mr. Shaw Lefevre June 20, 1480

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*Palace Yard, Trees in*, Q. Mr. Theobald ; A. Mr. Shaw Lefevre *June 22, 1680*

*Refreshment Room*, Q. Mr. S. Leighton ; A. Mr. Shaw Lefevre *June 12, 792*

*Ventilation of*, Q. Major Rasch ; A. Mr. Shaw Lefevre *June 16, 1194* ; Q. Mr. H. Hobhouse ; A. Mr. Shaw Lefevre *June 22, 1642*

**Parliamentary Elections**

*East Nottingham—Alleged Charges against Mr. A. Morley*, Qs., Obs. Mr. K. Hardie, Mr. Asquith, Mr. Sexton, Mr. T. M. Healy, Mr. Darling, Mr. Speaker *June 6, 329* ; Q. Mr. Darling ; A. Mr. A. Morley *June 13, 906*

**Parliamentary Election Petitions**

*Pontefract* — Report received by Mr. Speaker *June 13, 883*

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*Fees*, Q. Mr. P. Smith ; A. Mr. Mundella *June 22, 1647*

**PAUL, Mr. H. W., Edinburgh, S.**

*Indian Civil Service Examinations, 1678* ; Res. 102, 122

**PAULTON, Mr. J. M., Durham, Bishop Auckland**

*Local Government Provisional Orders (No. 17) Bill*, 2R. 493, 496, 503

**PEARSON, Right Hon. Sir C. J., Edinburgh and St. Andrews Universities**

*Improvement of Land (Scotland) Bill*, 2R. 1274

*Scotland, Government of*, Res. 1852, 1858, 1859

**PEEL, Right Hon. A. W. (see Speaker, The)****PENN, Mr. J., Lewisham**

*Navy—Engine-room Ratings*, 1769

**PERKS, Mr. R. W., Lincolnshire, Louth**

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*Russian Works in*, Motion for Papers (Viscount Sidmouth) *June 15, 1046*

**PICTON, Mr. J. A., Leicester**

*Belfast Labour Disturbances*, 780  
*Norton National School*, 891, 1648  
*Parliament—Continuous Session*, 656  
*Press Telegrams*, 1317

**Pier and Harbour Provisional Order Bills****(No. 1)**

*l. Read 2<sup>a</sup> June 8, 492*

Com. ; Reported ; Standing Com. negatived *June 9, 634*

*Read 3<sup>a</sup>, and passed June 12, 761*

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**Pier and Harbour Provisional Order Bills—cont.****(No. 2)**

*l. Read 2<sup>a</sup> June 8, 492*

Com. ; Reported ; Standing Com. negatived *June 9, 634*

*Read 3<sup>a</sup>, and passed June 12, 761*

**(No. 3)**

*c. As amended, Con. June 2, 101*

*Read 3<sup>a</sup>, and passed June 5, 287*

*l. Read 1<sup>a</sup> June 5, 180*

*Read 2<sup>a</sup> June 12, 762*

**(No. 4)**

*c. As amended, Con. June 2, 101*

*Read 3<sup>a</sup>, and passed June 5, 287*

*l. Read 1<sup>a</sup> June 5, 180*

*Read 2<sup>a</sup> June 12, 762*

Com. ; Standing Com. negatived *June 13, 882*

*Amendts. reported June 15, 1047*

*Read 3<sup>a</sup>, and passed June 16, 1178*

*c. Lords Amendts. agreed to June 20, 1563 ; June 22, 1633*

**PIERPOINT, Mr. R., Warrington**

*Cyprus-Tribute—Revenue and Expenditure, &c.* 42, 51, 330, 331, 1324

*Egyptian Irrigation—The Proposed Raiyan Reservoir*, 1469

**Pilotage**

*Copy pres. June 19, 1428*

**Pilotage Provisional Order Bill**

*l. Royal Assent June 9, 605*

**Places of Worship (Sites) Bill**

*l. Read 2<sup>a</sup> June 9, 617*

Com. ; Re-com. to Standing Com. *June 20, 1429*

**PLAYFAIR, Lord (Lord in Waiting)**

*Bread Stuffs*, Res. 1293

*Burgh Police (Scotland) Act Amendment Bill*, Report of Amendts. 616

*Duchy of Cornwall Bill*, 2R. 1166

*Food Stuffs, Adulterated, Importation of*, 753

*Irish Mail Service*, 879

*North Sea Fisheries Bill*, 2R. 465, 471 ; Com. 755

*Railway Servants (Hours of Labour) Bill*, Report of Amendts. 1169

*Railways—Accidents at Level Crossings—Returns*, 630

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*Scotland—Education, Motion for an Address*, 477, 478, 481

**Pleuro-Pneumonia (see Agriculture)****Plumbers' Registration Bill**

*c. Order for Com. read and deferred June 8, 602*



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Sale of Intoxicating Liquors (Ireland) Bill,  
Com. 743, 748, 751

**PLUNKET, Right Hon. D. R., Dublin University**

Government of Ireland Bill, Com., *Cl. III.*  
345; *Cl. IV.* 952, 993, 1580, 1588, 1689,  
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**PLUNKETT, Hon. H. C., Dublin Co., S.**

Government of Ireland Bill, Com., *Cl. III.*  
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**Police (see Law and Justice and Police)**

**Police Acts Amendment Bill**

1. Royal Assent June 9, 605

**Police and Sanitary Regulations Bills**

Report from Select Com. June 9, 740

**Pontefract Election Petition**

Report June 13, 883

**Poor Law (see Local Government Board)**

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Postmaster General—Mr. ARNOLD MORLEY

*American Mails, Conveyance and Route of*,  
Qs. Mr. Macartney; As. Mr. A. Morley  
June 8, 532; June 12, 787; Qs. Mr.  
Macartney, Mr. Forwood, Mr. W. Red-  
mond, Mr. Flynn; As. Mr. A. Morley  
June 15, 1065; Q. Mr. Field; A. Mr. A.  
Morley June 20, 1481; Qs. Mr. F. H.  
Evans, Mr. Flynn, Mr. H. Heaton, Mr.  
Forwood; As. Mr. A. Morley June 22,  
1663

*Australia and Canada—New Mail Service*,  
Q. Mr. Hogan; A. Mr. A. Morley June 23,  
1771

*China and Japan Mails*, Q. Mr. Provand; A.  
Mr. A. Morley June 23, 1782

*Colonial Newspapers*, Q. Mr. Hogan; A. Mr.  
A. Morley June 19, 1315

*Devonport Street Letter Boxes, Contract for  
Painting*, Q. Mr. Kearley; A. Mr. A.  
Morley June 16, 1176

*Expenditure*, Q. Mr. Jackson; A. Mr. A.  
Morley June 22, 1672

*Express Letter Deliveries*, Q. Mr. H. Heaton;  
A. Mr. A. Morley June 19, 1314

*Ireland (see that title)*

*Lighthouses, Electrical Communication with*,  
Q. Mr. M. Ferguson; A. Sir W. Harcourt  
June 16, 1187

*Liverpool*, Q. Mr. H. Heaton; A. Mr. A.  
Morley June 12, 766; Q. Mr. Stock; A.  
Mr. A. Morley June 22, 1670

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*Members of Parliament—Letters Franking*,  
Qs. Mr. Bodkin, Mr. H. Heaton; As. Mr.  
A. Morley June 16, 1191; Qs. Mr. Bodkin,  
Dr. Macgregor, Mr. Macfarlane, Mr.  
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*Money Orders—Mandat-Card System*, Q.  
Mr. H. Heaton; A. Mr. A. Morley June 12,  
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*Ocean Penny Postage*, Q. Mr. H. Heaton; A.  
Mr. A. Morley June 13, 887

*Postcards and Adhesive Labels*, Q. Mr. For-  
wood; A. Mr. A. Morley June 12, 774

*Port-Electric System of Transportation*, Q.  
Mr. H. Heaton; A. Mr. A. Morley June 20,  
1467

*Re-directed Postal Matter*, Q. Mr. A. C.  
Morton; A. Mr. A. Morley June 12, 792;  
Qs. Mr. A. C. Morton, Colonel Waring; As.  
Mr. A. Morley June 13, 890; Qs. Mr. H.  
Heaton; As. Mr. A. Morley June 19, 1343;  
June 23, 1776

*Revenue and Expenditure*, Returns ordered  
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*Royal Marriage—Postmen's Holiday*, Q. Sir  
J. Leng; A. Mr. A. Morley June 15, 1058

*Rural Postmen's Journeys*, Q. Mr. Bucknill;  
A. Mr. A. Morley June 22, 1651

*Scotland (see that title)*

**TELEGRAPHS**

*Bidford Facilities*, Q. Mr. Freeman-  
Mitford; A. Mr. A. Morley June 23, 1779

*Central Office*, Qs. Mr. Theobald; As. Mr.  
A. Morley June 6, 321; June 12, 765

*Meetings outside Post Office Buildings*, Q.  
Mr. Macdonald; A. Mr. A. Morley  
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*Press Telegrams*, Qs. Sir E. Reed, Mr.  
Picton, Sir J. Leng, Sir J. Fergusson, Mr.  
W. Saunders; As. Mr. A. Morley June 19,  
1316

*Revenue and Expenditure*, Returns  
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*Telephone Companies*, Q. Sir J. Fergusson;  
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*Unstamped and Insufficiently Paid Letters*,  
Q. Mr. T. Fry; A. Mr. A. Morley June 13,  
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**POWELL, Sir F. S., Wigan**

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**POWERSCOURT, Viscount**

Sale of Intoxicating Liquors (Ireland) Bill,  
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**Prison (Officers' Superannuation) Bill**

Qs. Mr. W. Whitelaw; As. Mr. Asquith, Sir  
G. Trevelyan June 2, 50

**Prison (Officers' Superannuation) (No. 2) Bill**

- c. Con. in Com., R.P. *June 2, 98*; *June 9, 693*  
 Con. in Com. and Reported; Read 3<sup>o</sup>, and  
 passed *June 16, 1278*  
 l. Read 1<sup>o</sup> *June 19, 1309*  
 Read 2<sup>o</sup> *June 22, 1630*

**Private and Provisional Order Bills**

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**Privy Council Office Appointments**

Q. Mr. Weir; A. Sir J. T. Hibbert *June 2,*  
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- c. 2R. deferred *June 19, 1424*

**PROVAND, Mr. A. D., Glasgow, Blackfriars**

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Qs. Mr. E. H. Bayley, Mr. Howell; As. Sir  
 W. Harcourt *June 12, 782*

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**Public Accounts (No. 2) Bill**

- c. 2R.; Bill withdrawn *June 5, 288*

**Public Libraries Act (1892) Amendment Bill**

- l. Royal Assent *June 9, 605*

**Public Libraries Consolidation (Scotland) Act (1887) Amendment Bill**

- c. Intro. Mr. C. Corbett; Read 1<sup>o</sup> *June 6, 404*

**Public Libraries (Ireland) Acts Amendment Bill**

- c. Read 3<sup>o</sup>, and passed *June 6, 401*  
 l. Read 1<sup>o</sup> *June 8, 492*

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- c. Intro. Sir J. T. Hibbert; Read 1<sup>o</sup> *June 5, 287*  
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Polynesian Labour, Q. Mr. S. Smith; A. Mr.  
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- c. Read 3<sup>o</sup>, and passed *June 2, 101*  
 l. Read 1<sup>o</sup> *June 5, 180*  
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 Com.; Reported; Standing Com. negatived  
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**Railway Servants (Hours of Labour) Bill**

- l. Reported *June 6, 311*  
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*Private Wagons*, Qs. Mr. P. Williams, Mr.  
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*Irish*, Qs. Mr. W. Redmond, Mr. Field; As.  
 Mr. Mundella *June 12, 772*; Q. Mr.  
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*Milk—Midland Railway Company*, Q. Mr.  
 Cobb; A. Mr. Mundella *June 19, 1333*  
*Scottish Timber on the North British Rail-*  
*way*, Q. Mr. Dalziel; A. Mr. Mundella  
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*Circulation of Evidence*, Qs. Mr. Hanbury,  
 Mr. J. E. Ellis; As. Sir J. T. Hibbert  
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**SOLICITOR GENERAL—SIR J. RIGBY****Southern Railway (Ireland) Bill**

c. Order for 2R. read; Bill withdrawn  
*June 16, 1278*

**Speaker, The (RIGHT HON. ARTHUR WELLESLEY PEEL), Warwick and Leamington****ADJOURNMENTS OF THE HOUSE TO DISCUSS MATTERS OF URGENT PUBLIC IMPORTANCE**

The Motion (National Flags in Ireland) would be anticipating a Bill that was before the House *June 8, 541*

If fewer than 40 but not less than 10 Members rose in their places, a Member could claim a Division, and then the House would decide, on the Question being put, whether or not the Motion should be made. The Speaker had been asked to desire

[cont.]

**SPEAKER, THE—Adjournments of the House, &c.—cont.**

Members who called "Aye" to stand up in their places, but Mr. Speaker could not do that. The Standing Order expressly contemplates more than 10 and less than 40 rising, and then it was competent to claim a Division. As the Member acted under the Standing Order, Mr. Speaker did not think he could hold that the Division was frivolously or vexatiously claimed, though the minority was very small *June 13, 907, 908*

**COMMITTEES**

Instructions to—A second Instruction could stand as a substantive Motion *June 9, 636*

**MEMBERS**

Peerages and Voting in the House (Sir H. Vivian's Peerage)—Announcements in the Press had nothing whatever to do with the qualification of a Member to sit and vote in the House. As to what was custom and etiquette, the Speaker would say nothing. At what time the Letters Patent had passed the Great Seal was the final termination of a Member's existence as a Member of the House of Commons. On the day itself, or as soon after as it issued, *The Gazette* stated the fact that the Letters Patent had passed the Great Seal, and that was evidence of the fact that a Member had ceased to be a Member of the House of Commons *June 8, 540*

**MISCELLANEOUS RULINGS**

*June 5, 195, 200, 215, 219; June 8, 603; June 9, 656; June 13, 899, 906; June 16, 1197; June 19, 1419; June 20, 1485; June 23, 1761*

**NOTICE OF MOTIONS**

It was necessary to hand in a written notice to the Clerk at the Table; therefore, a Member who only gave public notice of his Motion lost his precedence, and another Member was entitled, under the circumstances, to put his Motion down *June 15, 1078*

**PRIVILEGE**

The Discussion must be strictly confined to whether the words read at the Table constituted a breach of Privilege *June 5, 218*

**QUESTIONS**

Questions founded on newspaper reports—It was not unusual to ask such questions; but before putting them down, Members should institute some inquiry, and make themselves in some degree responsible for the statements *June 2, 53*

Questions were repeatedly put from newspaper reports. The Member was, no doubt, actuated by honourable motives in putting the question, and the Speaker could not say that the Question was out of Order. It was, however, irregular to re-open a question which had practically been settled *June 6, 330*

**SPEAKER, THE—Questions—cont.**

Questions were put down upon the responsibility of Members in whose names they stood *June 9, 652*

Notice should be given of important questions *June 13, 906*

When a statement had been denied on the authority of a Minister the matter should rest *June 22, 1656*

**RESOLUTIONS OF THE HOUSE**

The Res. (Indian Civil Service Examinations) was not in terms questioned. A Member asked the Government what they proposed to do with reference to the Res. A Member might not give a reason why the Government should take a particular course. As to whether the House did pass the Res., the Speaker said, the words were added, and the Member in charge of the Res. moved the Closure. The Speaker thought the Motion for the Closure was not necessary, and put the Question "That the words be there added." Then after it was too late a Member objected. The Speaker would have accepted the Motion for the Closure had he thought it necessary *June 5, 203, 204*

**RULES AND ORDER OF DEBATE**

A Member need not state his motive when he objected to a Bill being taken *June 12, 867*  
When a Member intended to withdraw his Amendt. in favour of another Amendt. it would be more convenient if he were to do it, instead of waiting till his Amendt. became the substantive Motion *June 16, 1258*

**CLOSURE**

**Supply**

Amendts. to Motion for going into Com. of Supply—A Member moved a substantive Motion—The Closure had been moved and accepted. Any Member who wished to continue the Debate could not add a fresh Question which had not been put from the Chair *June 9, 738*

**Speaker, The, and the Royal Marriage**

Qa. Mr. A. J. Balfour; As. Mr. W. E. Gladstone *June 15, 1077; June 19, 1351*

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**Spirits (Belfast, Cork, and Dublin)**

Return pres. *June 19, 1428*

**Standing Orders (see under Parliament)**

**STANLEY of ALDERLEY, Lord**

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Com. 1434, 1435, 1439, 1442, 1444, 1445

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United States, Treaty of Arbitration with,  
Res. 1254, 1263, 1264

**Stationery Office Contracts (see Government Contracts)**

**Statute Law Revision (No. 1) Bill**

c. Con. in Com.; Reported; Read 3<sup>d</sup>, and passed *June 2, 99*

l. Returned from the Commons agreed to *June 5, 179*

Royal Assent *June 9, 605*

**Statutory Rules Procedure Bill**

c. Con. in Com. and reported; Read 3<sup>d</sup>, and passed *June 8, 603*

l. Read 1<sup>st</sup> *June 9, 635*

Read 2<sup>d</sup> *June 22, 1630*

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Q., Obs. Earl of Strafford, Lord Kensington,  
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**STRACHEY, Mr. E., Somerset, S.**

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Q. Sir E. Ashmead-Bartlett ; A. Sir W. Harcourt *June 19, 1348*

**Supply**

Qs. Mr. A. C. Morton, Dr. Macgregor, Mr. Macfarlane ; As. Mr. W. E. Gladstone *June 19, 1349*

**SUTHERLAND, Sir T., Greenock**

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**Swine Fever Bill**

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